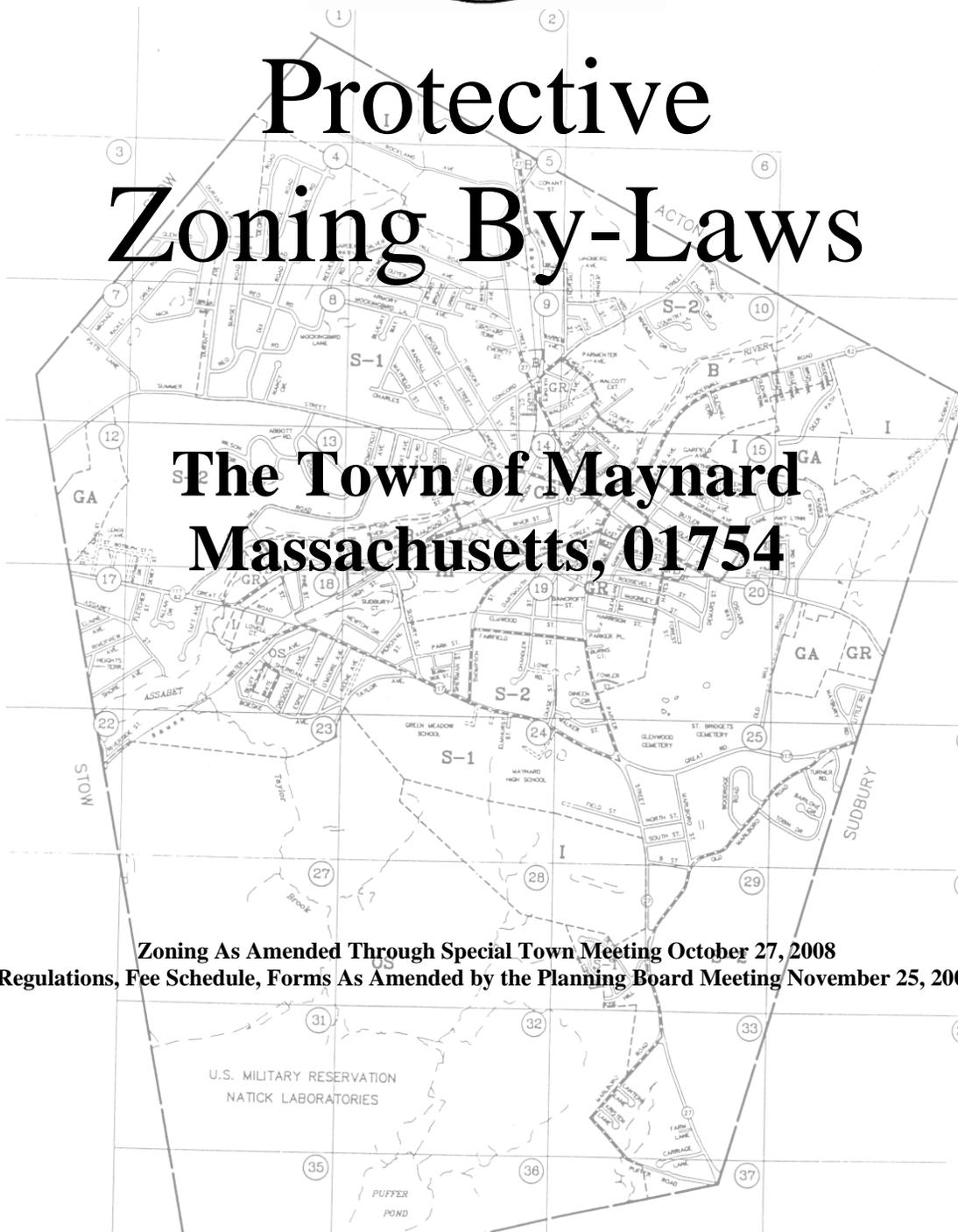




Protective Zoning By-Laws

The Town of Maynard Massachusetts, 01754

**Zoning As Amended Through Special Town Meeting October 27, 2008
Regulations, Fee Schedule, Forms As Amended by the Planning Board Meeting November 25, 2008**



PROTECTIVE ZONING BY-LAWS
Town of Maynard, Massachusetts
Zoning as Amended Through October 27, 2008
Regulations, Fee Schedule, Forms as Amended by the Planning Board Meeting November 27, 2008



978-897-1029

TOWN OF MAYNARD
PLANNING BOARD
Town Building
MAYNARD, MASSACHUSETTS
01754

Memorandum

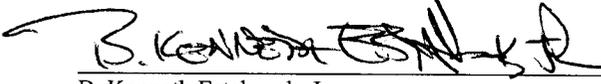
To: Michelle Sokolowski, Town Clerk
Date: November 26th, 2008
Subject: Amended Zoning By-Laws

The undersigned, being members of the Planning Board hereby submit the attached copy of the Zoning By-Laws as amended through the Special Town Meeting of October 27th, 2008 and the Planning Board Meeting of November 25th, 2008.



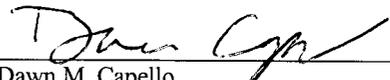
Brendon R. W. Chetwynd, Chairman

11/25/08
Date



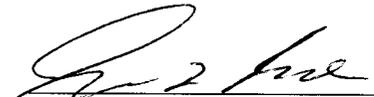
B. Kenneth Estabrook, Jr.

11/25/08
Date



Dawn M. Capello

11-25-08
Date



Samuel L. Rodriguez

11-25-08
Date

PROTECTIVE ZONING BY-LAWS
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DEFINITIONS

The following words and terms used in this by-law are defined or explained as follows:

Accessory Building An accessory building is one located on the same lot with the main building detached or attached, and is subordinate and customarily incidental to the use of the main building.

Accessory Use An accessory use is one located on the same lot with (or in) the main building or use and which is subordinate and customarily incidental to the use of the main building or the land.

Note: Uses accessory to permitted uses which are necessary in connection with scientific research, scientific development, or related production do not have to be located on the same parcel of land as the principal activity as long as a special permit is issued under and in accordance with M.G.L. Chapter 40A, Section 9.

Affordable Unit¹ A low or moderate incoming housing unit as defined in MGL Chapter 40B Section 20.

Ancillary Use² An Ancillary Use is one located in the same district, but not necessarily on the same lot, with the main building or use, and which is subordinate to or customarily incidental to the use of the main building or the land.

Body Art³ Means the practice of physical body adornment by permitting establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by the Massachusetts Board of Registration in Medicine, such as implants under the skin, which are prohibited.

Body Art Establishment⁴ Means a location, place or business that has been granted a permit by the Board, whether public or private, where the practices of Body Art are performed, whether or not for profit.

Buildable Lot⁵ A lot, as defined in this by-law, which meets all the minimum requirements set forth in this By-law necessary for the authorized construction of at least one main building/structure.

Building A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property.

Building Inspector Building Inspector shall mean the existing Maynard Inspector of Buildings under the State Building Code or other designated authority, or his duly authorized representative, appointed by the Selectmen, and charged with the enforcement of this zoning bylaw.

Buildings, Coverage Building coverage shall be determined by dividing the total area of all buildings on the lot, including carports and canopies, whether or not such car ports or canopies are attached to a building, by the total lot area.

Building Story⁶ That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Buildings / Structure Height⁷ The vertical distance of the highest point of the roof beam in the case of a flat roof and of the mean level of the highest gable of a sloping roof as measured from the

¹ Article 6, S.T.M., May 20th, 2008

² Article 15: S.T.M. November 14,1994

³ Article 30: A.T.M. May 21,2001

⁴ Article 30: A.T.M. May 21,2001

⁵ Article 26: A.T.M. May 19,1997 (new definition)

⁶ Article 6, S.T.M., May 20th, 2008

⁷ Article 6, S.T.M., May 20th, 2008

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mean finished grade at all elevations of a building. Chimneys, ventilators, antennae, skylights, tanks, bulkheads, elevator equipment or solar panels shall not be considered part of the height of the building if such projections do not extend more than (5) five feet above the specific height limit.

Change of Use⁹ A change from one principal use to another principal use as listed in Section 2.3, Table of Uses.

Clinic¹⁰ A building or part thereof, used by medical doctors, dentists, chiropractors, licensed massage therapists, osteopaths, psychotherapists, or occupational therapists their staff and their patients for the purpose of consultation, diagnosis and office treatment. Without limiting the generality of the foregoing, a clinic may include administrative offices; reception areas, waiting rooms, treatment rooms, laboratories, x-ray and minor operating rooms, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodations for in-patient care, or overnight care facilities.

Day Care Center¹¹ Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, preschool, or known under any other name which receives children, not of common parentage, under seven years of age or under 16 years of age if such children have special needs, for non-residential custody and care during part or all of the day separate from their parent(s). Day care center shall not include: any part of a public school system; any part of a private organized educational system, unless the services of such a system are primarily limited to kindergarten, nursery, or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; and a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefore.

Development¹² Any man-made change to a parcel of land or the buildings or structures thereon, including, but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations.

Dwelling A building for human habitation, which shall not include a trailer or other mobile living unit or hotel, dormitory, hospital or rooming house.

Dwelling, Single Family¹³ A dwelling designed for or occupied by one (1) family.

Dwelling, Two Family¹⁴ A dwelling designed for or occupied by two (2) families.

Dwelling, Multi-Family¹⁵ A dwelling designed for or occupied by more than two (2) families.

Dwelling Unit A portion of a building designated as the residence of one family or individual with suitable approved provisions for eating, sleeping, cooking and sanitation.

Family A person or number of persons occupying a Dwelling Unit and living as a single housekeeping unit.

Fast Food¹⁶ Food which is (a) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals; (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

⁹ Article 6: S.T.M., May 16, 2006 (amended)

¹⁰ Article 2: S.T.M., June 12, 2006

¹¹ Article 2: S.T.M., June 12, 2006

¹² Article 6: S.T.M., May 16, 2006 (amended)

¹³ Article 8: S.T.M., May 16, 2006

¹⁴ Article 8: S.T.M., May 16, 2006

¹⁵ Article 8: S.T.M., May 16, 2006

¹⁶ Article 5: S.T.M., May 16, 2006

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Fast- Food Restaurant¹⁷ An Establishment serving prepared (ready to eat) food to its customers, of which 25% of said customers order food as take-out (meaning not to be consumed on the premises), and which other customers when consuming the food on the premises, do so without the benefit of metallic knives, forks and spoons, or re-usable serving dishes provided by the establishment. Grocery stores, small markets with deli counters, and traditional bakeries are specifically exempted from this definition.

Floor Area, Gross The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls or, from the centerline of a wall separating two buildings but not including interior parking spaces, loading space for motor vehicles or any space where the floor to ceiling height is less than six feet.

Garden Center:¹⁸ A retail center for the sale and/or display of shrubs, trees, plants, garden supplies, and related items.

Garage, Private Any building or portion of a building accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located which is used for keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing or repair of such vehicles is carried on.

Health Club:¹⁹ An establishment, providing space or facilities for physical exercise or for participating in sports activity.

Health Care Dwelling Unit²⁰ A dwelling unit, with or without integral cooking facilities, within a Healthcare/Industrial District, as part of a multi-unit development of such dwelling units, provided there shall be allowed no more than 2 residents per unit.

Healthcare/Elderly Housing²¹ A Healthcare Dwelling Unit to be occupied only by residents age 55 or older.

Healthcare Facility:²² A Clinic or Hospital.

Hospital:²³ Any institution, however named, licensed by the Commonwealth of Massachusetts as a hospital, acting through the Department of Public Health, or any successor agency, whether operated as a charity or as for-profit, which is maintained for the purpose of caring for persons admitted thereto for diagnosis or medical, surgical or rehabilitative treatment which is rendered within said institution, including related facilities such as hospital diagnostic laboratory, out-patient departments, patient pharmacy, stock room, physical therapy, staff and administrative offices.

Lot²⁴ An area of land, undivided by any street, in one ownership with definitive boundaries ascertainable from the most recently recorded deed or plan or certificate of title which is:

1. Recorded in the Middlesex County South District Registry of Deeds, or
2. Issued by the Land Court and registered in the Land Court section of such Registry, or
3. Disclosed by any and all pertinent public documents.

A lot may or may not be buildable; such a determination is to be made on the basis of compliance with minimal dimensional regulations and other criteria as set out in these By-Laws.

¹⁷ Article 14: S.T.M. October 28,1997

¹⁸ Article 2: S.T.M., June 12th, 2006

¹⁹ Article 2, S.T.M., June 12th, 2006

²⁰ Article 15: S.T.M. November 14,1994

²¹ Article 15: S.T.M. November 14,1994

²² Article 2: S.T.M., June 12, 2006

²³ Article 2, S.T.M., June 12, 2006

²⁴ Article 28: A.T.M. May 19,1997 (amended)

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Lot Area²⁵ Lot area is the area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which the lot abuts, even if fee to such street is held by the owner of the lot. For purposes of satisfying the Dimensional Requirements of this By-law for the minimum area of a Buildable Lot, no Lot shall include more than 20% of its required minimum lot area as land under water, 100-Year floodplain, wetlands or any land which constitutes a protected resource area as defined under the Maynard Wetlands Administration By-law (excepting the 100 foot buffer zone), or any combination thereof in the aggregate. Where a question exists as to the extent of such protected resource area(s) on a lot, the Building Commissioner or the Planning Board may require the applicant to have the limits of the resource area(s) flagged in the field by a consultant knowledgeable in such matters, and then to make a formal Request for Determination of Applicability to the Conservation Commission to certify the boundaries of the resource areas prior to the issuance of any permits or approvals.

Lot Frontage Lot frontage is the uninterrupted linear or curvilinear extent of a Lot measured along the street right of way from the intersection of one Side Lot Line to the intersection of the other Side Lot Line. The measurement of Lot frontage shall not include irregularities in the street line and in the case of a corner lot, shall extend to the point of intersection of the sideline of the rights of way. If a lot has frontage on more than one street, frontage on one street only may be used to satisfy the minimum lot frontage.

Lot Line A line dividing one lot from another or from a street or any public place.

Lot Line, Rear A line separating one lot from other lots or from land in different ownership, being the boundary of a lot which is opposite or approximately opposite the frontage street. Where, because of irregular lot shape, the Building Inspector and the lot owners cannot agree as to whether a lot line is a side or rear line, it shall be considered a rear line.

Lot Width²⁶ Lot width is defined as the diameter of the largest circle that can be inscribed within the side lot lines at any point on a continuous line from the frontage of the Lot to the front line of the principal structure of the Lot.

Medically – Assisted Housing²⁷ A Healthcare Dwelling Unit to be occupied only by residents that may need on-site medical assistance or assistance with other activities or daily living in order to live independently and by members of their families age 55 or older.

Mixed Use²⁸ A single structure with the above floor(s) used for residential or office use and a portion of the ground floor for retail/commercial or service uses.

Non-conforming Use or Structure. Any use or structure which is lawfully in existence or lawfully begun but which does not conform to the most recent effective zoning regulations for the district in which such use or structure exists. See Section 7.

Nursing or Convalescent Home²⁹ A building housing a facility licensed to provide full-time long term accommodation and a combination of personal and health care services in a supervised environment. Said facilities shall provide long term intensive, skilled and supportive nursing care, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. The facilities may contain common areas for therapy, recreation and dining; further, the facilities may also include on-premise medical offices and treatment facilities related to the care of the tenants. For the purposes of this Bylaw, it includes: extended care facility, intermediate care facility, convalescent home and rest home.

Open Space Open space shall be those areas of a lot which except as provided by this zoning bylaw are to remain un-built and which shall not be used for parking, storage or display.

²⁵ Article 29: A.T.M. May 19,1997 (amended)

²⁶ Article 30: A.T.M. May 19,1997 (amended)

²⁷ Article 15: S.T.M. November 14,1994

²⁸ Article 5: S.T.M., October 16th, 2006

²⁹ Article 8: S.T.M. May 16, 2006

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Parking Structure:³⁰ A building (or part thereof), which is designed specifically to be for automobile parking and where there are a number of floors or levels which parking takes place.

Personal Services Establishment:³¹ Establishments providing non-medically related services, including beauty and barber shops; clothing rental; dry cleaning pick-up stores; laundromats (self-service laundries); psychic readers; shoe repair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided. This shall not include Dry Cleaning Establishments in which cleaning of clothes takes place on-site or Body Art Establishments.

Professional Office:³² Professional or government offices including; accounting, auditing and bookkeeping services; advertising agencies; architectural, engineering, planning, and surveying services; attorneys; counseling services; court reporting services; data processing and computer sciences; detective agencies and similar services; educational, scientific, and research organizations; employment, stenographic, secretarial, and word processing services; government offices including agency and administrative facilities; management, public relations, and consulting services; photography and commercial art studios; writers and artists offices outside of the home.

Retail Business:³³ A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

Sign Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, designs, trade names or trade marks whether stationary or portable, by which anything is made known, such as used to locate an individual, form of association, a corporation, a profession, a business, or a commodity or product which are visible from a public or private street or right of way and used to attract attention.

Supermarket:³⁴ A retail establishment or full-service grocery store primarily selling food and grocery items which may provide multiple departments offering for sale unprepared foods such as, but not limited to, fresh meats, fresh poultry, fresh seafood, organic foods, bakery products that are baked on the premises, a fresh produce department and a deli department offering freshly prepared foods and counter service, which may contain a pharmacy and which may sell other merchandise such as convenience items, household supplies, hardware, and personal care and health products

Street A public way or private way either shown on a plan approved in accordance with the subdivision control law or otherwise qualifying a lot for frontage under the subdivision control law, M.G.L. Chapter 41, Section 81c.

Street Line The boundary of a street right of way or layout.

Structures A combination of materials assembled to give support or shelter such as; buildings, towers, masts, sheds, roofed storage areas, mechanical equipment, swimming pools, signs, fences; but not including septic tanks, and septic systems and accessory facilities associated with the provision of utilities such as, drains, wells, transformers and telephone poles.

Temporary Enclosure:³⁵ A temporary enclosure is defined as any movable, tent-like shelter intended to provide or actually providing protection from the elements for stored materials, vehicles, or other items, for which a building permit is not required. This would include temporary garages of tent like construction, as well as tarpaulins of plastic or similar type materials supported by wooden or metal frameworks. Such temporary enclosures are to be considered structures under this by-law, and as such are governed by the same setback requirements as other structures under this by-law. Tents set up for special occasions, screen houses, and other seasonal, recreational enclosures are specifically exempted from this definition unless used for storage as listed above.

³⁰ Article 2: S.T.M., June 12th, 2006

³¹ Article 2: S.T.M., June 12th, 2006

³² Article 2: S.T.M., June 12th, 2006

³³ Article 2: S.T.M., June 12th, 2006

³⁴ Article 2: S.T.M., June 12th, 2006

³⁵ Article 30: S.T.M. April 27, 1998

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Trailer Trailer shall mean any vehicle which is drawn by or used in connection with a motor vehicle and which is so designed and constructed or added to by means of such accessories as to permit the use and occupancy thereof for human use or habitation, whether resting on wheels, jacks or other foundations. It shall include the vehicle commonly known as a mobile home, containing completed electrical, plumbing and sanitary facilities and be designed to be installed on a temporary or permanent foundation for permanent living quarters.

Use, Principal The main or primary purpose for which a Structure or Lot is designed, arranged or intended or for which it may be used, occupied or maintained under this zoning bylaw.

Wholesale Business:³⁶ A business primarily engaged in buying merchandise for resale to retailers or to industrial, commercial, institutional, farm, business users or other wholesalers, or in acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies on a commission basis.

Yard An open space on a lot unoccupied by a building or structure or parts thereof; provided however, that roof overhangs, cornices or eaves shall not extend twenty four (24) inches into the minimum required yard. Steps, unroofed porches, window sills, slanted bulkheads, fences, gates or security stations, yard accessories, ornaments and furniture and customary summer awnings are permitted in any yard but shall be subject to height limitations and setback limitations. The minimum required yard shall be a strip of land of uniform depth required by this zoning bylaw measured from the lot or street line and adjacent thereto.

³⁶ Article 2: S.T.M., June 12th, 2006

SECTION 1 - INTRODUCTION

1.1 PURPOSE OF BY-LAW

The purpose of this by law is to promote the health, safety, welfare and convenience of the inhabitants by dividing the Town into districts and regulating the use, construction and alteration of buildings and premises with a view to encouraging the most appropriate use of land in the Town.

1.2 EXISTING NON-CONFORMING BUILDINGS AND PREMISES

Any lawful building or use of a building or premises or part thereof at the time this by-law is adopted may be continued although such building or use does not conform to the regulations of the district in which it is located provided such use had not been abandoned for a period of one year.

SECTION 2 - DISTRICTS, GENERAL

2.1 TYPES OF DISTRICTS³⁷

The Town of Maynard is hereby divided into ten³⁸ types of districts:

Single Residence Districts S-1
Single Residence Districts S-2
General Residence Districts
Business Districts
Central Business Districts
Industrial Districts
Garden Apartment Districts
High Rise Apartment Districts
Open Space Districts
Health Care/Industrial District³⁹

Overlay Districts

Neighborhood Business Overlay District⁴⁰
Downtown Mixed-Use Overlay District⁴¹
Water Supply Protection District⁴²

Said districts are on a map entitled "Zoning Map of Maynard", dated October 5, 1959 as revised thereafter, which map is signed by the Planning Board and is on file with the Town Clerk.⁴³

2.2 DISTRICT USE REGULATIONS⁴⁴

- A. Agriculture, horticulture or floriculture uses on parcels of more than five acres are permitted in all districts as of right. Such use must comply with any restrictions, which are imposed in a particular district. For the purpose of this section only, land held in common ownership and divided by a public or private way shall be construed as one parcel.
- B. Land in all districts may be used for religious purposes or educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a non profit educational corporation; provided, however, that all such uses shall be subject to dimensional regulations hereinafter set forth.
- C. Except as provided above, uses in each district shall be restricted as presented in this by-law.

³⁷ Article 6: A.T.M. June 3, 1987

³⁸ Article 15: S.T.M. November 14, 1994

³⁹ Article 15: S.T.M. November 14, 1994

⁴⁰ Article 2: S.T.M., June 12th, 2006

⁴¹ Article 14, S.T.M., October 29, 2007

⁴² Article 14, S.T.M., October 29, 2007

⁴³ Article 53: S.T.M. April 24, 1978

⁴⁴ Article 54: S.T.M. April 24, 1978 (new section A-C)

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2.3 TABLE OF USES⁴⁵

<u>PRINCIPAL USES</u>	<u>Residential</u>			<u>Business</u>		<u>Industrial</u>		<u>Apartments</u>		<u>Open Space</u>
	<u>S-1</u>	<u>S-2</u>	<u>GR</u>	<u>B</u>	<u>CB</u>	<u>HC/I</u>	<u>I</u>	<u>GA</u>	<u>HRA</u>	<u>O</u>
<u>General Uses</u>										
Agriculture	Y	Y	Y	Y	N	N	N	Y	Y	Y
Farm Stand	SP-A	SP-A	SP-A	Y	N	N	N	N	N	N
<u>Residential Uses</u>										
Single family dwelling	Y	Y	Y	Y	N	N	N	N	N	N
Two family dwelling	N	N	Y	Y	N	N	N	N	N	N
Multi-family dwelling	N	N	SP-P ⁴⁶	SP-P ⁴⁷	N	N	N	N	N	N
Garden apartment	N	N	N	N	N	N	N	Y	N	N
High-rise apartment	N	N	N	N	N	N	N	N	Y	N
Health care/elderly housing, Medically assisted housing	N	N	N	N	N	Y	N	N	N	N
<u>Accessory Uses</u>										
Customary home occupations	Y	Y	Y	Y	Y	N	N	N	N	N
Builder, craftsman, tradesman as home occupation	SP-A	SP-A	SP-A	Y	Y	N	N	N	N	N
Hairdresser, novelty shop, antique shop in home	SP-A	SP-A	SP-A	Y	Y	N	N	N	N	N
In-home real estate office	SP-A	SP-A	SP-A	Y	Y	N	N	N	N	N
Temporary enclosures ⁴⁸	N	N	SP-A	SP-A	N	SP-A	SP-A	N	N	N
<u>Governmental, Institutional & Public Service Uses</u>										
Municipal	Y	Y	Y	Y	Y	Y	Y	N	N	Y ¹
Religious	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Family day care	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Nursing and convalescent home	SP-A	SP-A	SP-A	SP-A	N	Y	N	N	N	N
Cemeteries	SP-A	SP-A	SP-A	SP-A	N	N	N	N	N	N
Private clubs	SP-A	SP-A	SP-A	SP-A	N	N	N	N	N	N
Educational Facility	Y	Y	Y	Y	Y	Y ²	Y ²	Y ²	Y ²	Y ²
Public service corporation use	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²	Y ²
Wireless telecommunications towers and facilities ⁴	N	N	N	SP-P	SP-P	SP-P	SP-P	N	N	N
Service, public transportation, or utility type business	N	N	N	Y	Y	N	N	N	N	N
Public or semi-public buildings	N	N	N	Y	Y	Y	N	N	N	N
Clinic and healthcare facilities	N	N	N	N	N	Y	N	N	N	N

⁴⁵ Article 15: S.T.M. October 28,1997, replaces former Section 2.3 Subdivisions

⁴⁶ Article 3: S.T.M., May 22nd, 2007

⁴⁷ Article 3: S.T.M., May 22nd, 2007

⁴⁸ Article 30: A.T.M. May 18,19,1998

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<u>PRINCIPAL USES</u>	Residential			Business		Industrial		Apartments		Open Space
	S-1	S-2	GR	B	CB	HC/ I	I	GA	HRA	O
<u>Business Uses</u>										
Retail or wholesale business	N	N	N	Y	Y	N	N	N	N	N
Business or professional office, bank	N	N	N	Y	Y	Y	Y	N	N	N
Funeral home ³	SP-A ³	SP-A ³	SP-A ³	Y	Y	N	N	N	N	N
Theater, halls, clubs, or other places of entertainment	N	N	N	SP-A	SP-A	N	N	N	N	N
Hotels, Motels	N	N	N	SP-A	N	N	N	N	N	N
Restaurants or other food service uses not including fast food restaurants	N	N	N	Y	Y	N	N	N	N	N
Fast food restaurants ⁴⁹	N	N	N	SP-P	SP-P	N	N	N	N	N
Gasoline service stations, garages for storage and repair	N	N	N	SP-P	SP-P	N	N	N	N	N
Lumber, feed, ice establishments	N	N	N	Y	N	N	N	N	N	N
Fuel establishments	N	N	N	SP-P	N	N	N	N	N	N
Printing shops	N	N	N	Y	Y	N	N	N	N	N
Adult entertainment	N	N	N	N	N	N	SP-S	N	N	N
Body Art Establishments ⁵⁰	N	N	N	SP-P	N	N	SP-P	N	N	N
<u>Industrial Uses</u>										
Research laboratories, w/ incidental assembly or manufacturing	N	N	N	N	N	Y	Y	N	N	N
Office Buildings	N	N	N	N	N	Y	Y	N	N	N
Manufacturing, development or engineering	N	N	N	N	N	Y	Y	N	N	N
Parking areas or garages for use by employees, customers, visitors	N	N	N	N	N	Y	Y	N	N	N
Warehousing	N	N	N	N	N	Y	Y	N	N	N
Garaging incidental to any industrial use	N	N	N	N	N	Y	Y	N	N	N
Screened storage, accessory buildings and use	N	N	N	N	N	N	Y	N	N	N
<u>Legend</u>										
Permitted Use	Y									
Prohibited Use	N									
Special Permit – Board of Appeals	SP-A									
Special Permit – Planning Board	SP-P									
Special Permit – Board of Selectmen	SP-S									

Footnotes:

- 1 – As allowed in Section 6-C-3.b of these Zoning Bylaws
- 2 – As provided for in MGL Chapter 40A Section 3
- 3 – Allowed in Residential districts only if located in existing residential structure
- 4 – Allowed per Section 9 of these Zoning Bylaws

⁴⁹ Article 4, S.T.M., May 20th, 2008

⁵⁰ Article 32: A.T.M. May 21, 2001

SECTION 3 - SINGLE RESIDENCE DISTRICTS

3.1 REQUIREMENTS

In a single residence district, no building, or structure shall be constructed or altered, and no building, structure or premises shall be used for any purpose **except**:

- A. One family house
- B. Farm, market garden, nursery or greenhouse including sale of natural products raised on same.
- C-1 Religious and municipal use.
- C-2 Public, low rent housing for the elderly under the jurisdiction of a duly constituted public housing authority.
- C-3 The operation of a family day care home (as such term is defined in M.G.L., Ch. 28A), provided that such family day care home first has been registered with all appropriate State & Federal agencies and that it has complied with all regulations promulgated under or enacted pursuant to such Ch.28A, as amended, or any other statute or regulation enacted from time to time applicable to such use. No sign on or off premises may be permitted to advertise or in any manner call attention to such use.
- D. Any of the following uses, provided it is not injurious, noxious, or offensive to the neighborhood and only if authorized by the board of appeals, subject to appropriate conditions where such are deemed necessary to protect the district and the Town.
 - D-1 Cemeteries.
 - D-2 Private clubs, except those whose chief activity is a service customarily carried on as a business.
 - D-3 Educational and public service corporation buildings⁵¹
 - D-4 Deleted⁵²
 - D-5 Sales stands for sale of farm products, most of which are raised in Town, provided they do not, by their location, violate setback and side line restrictions.
 - D-6 Deleted⁵³
 - D-7 Temporary structures and uses for development work and similar purposes.
 - D-8 The use of a dwelling as a funeral home provided the residential character of the premises is not changed.
 - D-9 Deleted⁵⁴
 - D-10 Nursing homes and Convalescent homes.
 - D-11 Any automobile parking area which was in existence and authorized by a special permit from the Board of Appeals on May 15,1988, subject to the following provisions:
 - 1. That the area may be used for private passenger vehicles.
 - 2. That no fee be charged for parking of cars.
 - 3. That the area is located adjacent to or directly across the street from a non-residential area.
 - 4. That no commercial operating be carried on.
 - 5. That only signs necessary for orderly parking are permitted.
 - 6. That no accessory buildings shall be erected except a shelter for an attendant.

3.2 ACCESSORY USES

⁵¹ Article 16: S.T.M. October 28,1997

⁵² Article 56: A.T.M. April, 1978 (deleted)

⁵³ Article 56: A.T.M. April, 1978 (deleted)

⁵⁴ Article 38: A.T.M. May 16 & 17,1998

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Accessory use on the same lot with and customarily incidental to any of all the listed permitted uses and not detrimental to a residential neighborhood may be permitted provided the outward character of the district is not changed. This shall include any of the customary home occupations: dressmaking, letting of rooms, taking of boarders, preparing of food for sale, or the work of any member of a recognized lawful profession conducted by resident occupants only.

- A. Garage space for not more than three automobiles may be permitted, not more than one, of which may be commercial except on a farm, unless authorized by the Board of Selectmen.
- B. A builder, carpenter, mason, painter, plumber, tinsmith, upholsterer, machinist, or other craftsmen who lives and maintains a home on the premises or building may use said home or building thereon in connection with his trade under a yearly permit from the Board of Appeals.
- C. The Board of Appeals may authorize the use of a room in a dwelling for hairdressing or the sale of gift novelties and antiques by a resident occupant only, provided the residential character of the premises is not changed.
- D. The Board of Appeals may authorize the use of any portion of a dwelling for the use as a real estate business office subject to the conditions imposed by the board, provided, however, that the said business is owned, managed and operated exclusively by residents of said dwelling, and employs no persons who are non-residents of said dwelling, and provided that further said office is unassociated with the operation of any other real estate office.
- E. Accessory Family Dwelling Unit⁵⁵: A dwelling unit contained within or being an extension of a single family structure to accommodate an additional family only if a member of the family of the additional family is related by blood, marriage or adoption to the owner of the premises and the accessory family dwelling unit shall contain no more than six hundred (600) square feet in total area.
 1. Restrictions – A special permit may be granted by the Zoning Board of Appeals for the conversion of an existing or new single family dwelling to accommodate an additional family living unit by the installation of a common wall or the partitioning of or extension of living space.
 2. The intent and purpose of this section is to permit accessory dwelling units in single family residential districts subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single family character of the neighborhood will be maintained and that the accessory unit remain subordinate to the principal living quarters.
 3. Use Limitations - Such additional family living unit shall at the discretion of the Zoning Board of Appeals accommodate up to a maximum of three (3) persons, provided that the owner of record of the structure is a resident of the structure which includes the accessory family dwelling unit. The existing house shall accommodate an additional family unit only if a member of the additional family is related by blood, marriage or adoption to the Owner of the premises. There shall be no other living unit on the lot upon which an accessory unit is to be located.
 4. Ingress, Egress, Access - Adequate provisions, as determined by the Building Inspector, shall be provided for separate ingress and egress to the outside of each unit. To the extent possible, exterior passageways and access ways shall not detract from the single family appearance of the dwelling. An interior doorway shall be provided between each living unit as a means of access for purposes of supervision and emergency response. All stairways to additional stories shall be enclosed within the exterior walls of the structure.

⁵⁵ Article 27: A.T.M. May 20 & 21, 1996

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5. Area Limitation – Such accessory unit shall be limited to a maximum of six hundred (600) square feet in floor area.
6. Parking – Provisions for off-street parking of residents and guests of both units shall be provided in such a fashion as is consistent with the character of the neighborhood, as determined by the Zoning Board of Appeals, which shall seek advice from the Building Inspector.
7. Special Permit – No building permit shall be issued in accordance with the special permit issued under this section until the Special Permit has been recorded in the Registry of Deeds by the applicant and evidence of such recording has been submitted to the Building Inspector.
8. Occupancy Permit, Control – No occupancy of the additional dwelling unit shall take place without an occupancy permit issued by the Building Inspector. The initial occupancy permit shall remain in force for a period of two (2) years from the date of issue, provided ownership of the premises is not changed. Thereafter, permits may be issued by the Building Inspector for succeeding two (2) year periods provided that the structure and use continue to comply with the relevant provisions of the State Building Code, this By-law and the special permit. If the relative of the Owner vacates this property, the Owner must remove the kitchen and revert this unit back to a single family dwelling. If the house is sold, the new Owner must apply to the Zoning Board of Appeals for a special permit to conduct an accessory family dwelling unit or restore this unit to a single family dwelling by removing the kitchen.

3.3 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD⁵⁶

The provisions of Section 14, Site Plan Approval, shall apply to uses, buildings and structures permitted by right or by special permit in the zoning district.

⁵⁶ Article 6: S.T.M., May 16,2006 (amended)

SECTION 4 - GENERAL RESIDENCE DISTRICTS

4.1 REQUIREMENTS

In general residence districts no building or structure shall be constructed or altered and no building, structure or premises shall be used for any purpose **except:**

- A. Any purpose authorized in single residence districts.
- B. Semi-detached or two family dwellings.
- C. Dwellings for 3 or more families, if authorized by a special permit issued by the Planning Board as specified under Section 12.4 of these Zoning By-Laws, as amended.⁵⁷

4.2 MINIMUM OFF STREET PARKING SPACE REQUIREMENTS⁵⁸

Minimum off street parking space requirements for each separate building shall be in accordance with the following uses:

Dwelling unit: Each dwelling unit shall be provided with two (2) off street parking spaces. For the purpose of this bylaw, a dwelling unit consists of one or more living and sleeping rooms providing complete living facilities for the use of one or more individuals for a single housekeeping unit, with permanent provisions for living, sleeping, cooking and sanitation.

Renting of Rooms: Each separately rented accommodation shall be provided with one (1) off street parking space.

4.3 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD⁵⁹

The provisions of Section 14, Site Plan Approval, shall apply to uses, buildings and structures permitted by right or by special permit in the zoning district.

⁵⁷ Article 3: S.T.M., May 22nd 2007

⁵⁸ Article 55: April 25,1977

⁵⁹ Article 6: S.T.M., May 16,2006 (amended)

SECTION 5 - BUSINESS DISTRICTS⁶⁰

5.1 PERMITTED USES

In the Business Districts no building or structure shall be constructed or altered and no building, structure or premises shall be used for any purpose **except:**

- A. Any purpose authorized in the General Residence districts.⁶¹
- B. Retail and wholesale business which would not be offensive because of injurious or obnoxious noise, vibration, smoke, gas fumes, odor or dust, or other objectionable features, or hazardous to the community on account of fire or explosion or detrimental to the appearance of the district. Salesrooms and shops for custom work or making of articles to be sold at retail on the premises, service, public transportation, or public utility type business.
- C. Restaurants and other places serving food, but not fast food restaurants.
- D. Printing shops.
- E. Lumber, fuel, feed and ice establishments.
- F. Any additional use which the Board of Appeals may grant permission in specific cases, after determination by them that the proposed use is similar to one or more of the uses specifically authorized in this section.
- G. Business or professional office use.

5.2 PERMITTED BY SPECIAL PERMIT OF THE BOARD OF APPEALS

In the Business District, no building or structure shall be constructed or altered, and no building, structure or premises shall be used for any of the following purposes except in conjunction with and in conformity to a Special Permit issued for such purpose by the Zoning Board of Appeals as specified under Section 12.4 of these Zoning By-Laws, as amended.

- A. Hotels or motels.
- B. Theaters, halls clubs and other places of entertainment.
- C. Deleted⁶²
- D. Any other use not specifically defined in Section 5, for which the Board of Appeals may grant permission in specific cases, after determination by them that the proposed use is similar to one of the uses specifically authorized in this section, such similarity to exist in the nature of the use, the clientele, and the impact of the use on the surrounding properties.

5.3 PERMITTED BY SPECIAL PERMIT OF THE PLANNING BOARD

In the Business District, no building or structure shall be constructed or altered, and no building, structure or premises shall be used for any of the following purposes except in conjunction with and in conformity to a Special Permit issued for such purpose by the Planning Board as specified under Section 12.4 of these Zoning By-Laws, as amended.

- A. Gasoline and oil stations, garages for storage and repair of vehicles.
- B. At every filling station herein after constructed, no pump shall be placed within eighteen (18) feet of any street line, and no filling shall be done except in vehicles standing or in Fire Marshal approved containers on the property of the filling station.
- C. Fuel establishments.
- D. Wireless telecommunications towers and facilities as defined and regulated in Section 9 of the Protective Zoning By-Laws, as amended.

⁶⁰ Article 17: S.T.M October 28,1997

⁶¹ Article 3: S.T.M., May 22nd, 2007

⁶² Article 4, S.T.M., May 20th, 2008

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E. Fast Food Restaurants⁶³

5.4 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD⁶⁴

The provisions of Section 14, Site Plan Approval, shall apply to uses, buildings and structures permitted by right or by special permit in the zoning district.

5.5 PERMITTED BY SPECIAL PERMIT OF THE PLANNING BOARD⁶⁵

5.5.1 The Planning Board is hereby the Special Permit granting Authority for the purposes of this By-Law.

A. Body Art Establishments

1. Body Art Establishments as defined in the Definitions Section of these Zoning By-Laws shall not be considered a customary home occupation.
2. Body art Establishments shall not be located in or within 100 feet of any residence or in an establishment where liquor is sold or consumed or as an accessory use to any other use permitted in these Zoning By-Laws.
3. Body Art Establishments shall not be located within 300 feet of a residential zoning district. Residential Zoning districts include: Residential Districts S-1, S-2, General Residence Districts, Garden Apartment Districts and High Rise Apartment Districts.
4. Body Art Establishments in no case shall operate between the hours of 10:00 P.M. and 10:00 A.M.
5. Body Art Establishments shall not operate without a valid permit from the Board of Health.
6. Notwithstanding any other section of these Zoning By-Laws, Body Art Establishments shall comply with all dimensional requirements of this Zoning By-law.
7. Notwithstanding any other section of these Zoning By-Laws, Body Art Establishments shall have a minimum of two (2) parking spaces unless there is a public parking lot within 500 feet of the establishment.
8. Notwithstanding any other section of these Zoning By-Laws, Body Art Establishments shall comply with all the sign provisions of this Zoning By-law.

⁶³ Article 4, S.T.M., May 20th, 2008

⁶⁴ Article 6: S:T:M., May 16,2006 (amended)

⁶⁵ Article 29: A.T.M. May 21, 2001

SECTION 5A- CENTRAL BUSINESS DISTRICT

5A.1 PERMITTED USES

In the Central Business District no building or structure shall be constructed or altered and no building, structure or premises shall be used for any purpose **except:**

- A. Retail and wholesale business which would not be offensive because of injurious or obnoxious noise, vibration, smoke, gas fumes, odor or dust, or other objectionable features, or hazardous to the community on account of fire or explosion or detrimental to the appearance in the district. Salesrooms and shops for custom work or making of articles to be sold at retail on the premises
- B. Service, public transportation or public utility type business.
- C. Restaurants and other places serving food, but not fast-food restaurants.
- D. Public & semi public buildings.
- E. Printing shops
- F. Business or professional office use.

5A.2 PERMITTED BY SPECIAL PERMIT OF THE BOARD OF APPEALS

In the Central Business District, no building or structure shall be constructed or altered, and no building, structure or premises shall be used for any of the following purposes except in conjunction with and in conformity to a special permit issued for such purpose by the Zoning Board of Appeals as specified under Section 12.4 of these Zoning By-Laws, as amended.

- A. Theaters, halls, clubs, and other places of entertainment.
- B. Deleted⁶⁶
- C. Any other use not specifically defined in Section 5A, for which the Board of Appeals may grant permission in specific cases, after determination by them that the proposed use is similar to one of the uses specifically authorized in this Section, such similarity to be in the nature of the use, the clientele, and the impact of the use on the surrounding properties.

5A.3 PERMITTED BY SPECIAL PERMIT OF THE PLANNING BOARD

In the Central Business District, no building or structure shall be constructed or altered, and no building, structure or premises shall be used for any of the following purposes except in conjunction with and in conformity to a special permit issued for such purpose by the Planning Board as specified under Section 12.4 of these Zoning By-Laws, as amended.

- A. Gasoline and Oil stations, garages for storage and repair of vehicles. At every filling station herein after constructed, no pump shall be placed within eighteen (18) feet of any street line, and no filling shall be done except in vehicles standing or in Fire Marshal approved containers on the property of the filling station.
- B. Wireless telecommunication towers and facilities as defined and regulated in Section 9 of the Protective Zoning By-Laws as amended.
- C. Fast Food Restaurants⁶⁷

5A.4 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD⁶⁸

The provisions of Section 14, Site Plan Approval, shall apply to uses, buildings and structures permitted by right or by special permit in the zoning district.

⁶⁶ Article 4, S.T.M., May 20th, 2008

⁶⁷ Article 4, S.T.M., May 20th, 2008

⁶⁸ Article 6: S.T.M., May 16,2006 (amended)

SECTION 6 - INDUSTRIAL DISTRICTS

6.1 REQUIREMENTS

In the Industrial District no building or structure shall be constructed or altered and no building, structure or premises shall be used for any purpose **except:**

- A. Research laboratories with incidental assembly or manufacture.
- B. Office buildings.
- C. Manufacturing, development or engineering.
- D. Parking areas or garages for use by employees, customers or visitors.
- E. Accessory use incidental and subordinate to any of the main uses permitted under this Section 6 for use by employees, customers or visitors including but not limited to educational and training facilities; recreational areas and buildings; parking areas of garage for said accessory uses.
- F. Business or professional office or bank.
- G. Warehousing
- H. Garaging incidental to any use permitted under this section.
- I. Screened storage accessory buildings and uses.
- J. No building or structure, parking lot or any other man made construction project or modification or alteration thereto shall hereinafter be erected or used, and no building or occupancy permit shall be issued except in conjunction with and in conformity to an approved site plan as delineated in Section 14 of these Zoning By-laws.⁶⁹
- K. Municipal uses.⁷⁰

6.2 PERMITTED BY SPECIAL PERMIT OF THE PLANNING BOARD

In the Industrial District, no building or structure shall be constructed or altered, and no building, structure or premises shall be used for any of the following purposes except in conjunction with and in conformity to a Special Permit issued for such purpose by the Planning Board as specified under Section 12.4 of these Zoning By-Laws, as amended.

- A. Wireless telecommunications towers and facilities as defined and regulated in Section 9 of the Protective Zoning By-Laws as amended.

6.3 PERMITTED BY SPECIAL PERMIT OF THE PLANNING BOARD⁷¹

6.3.1 The Planning Board is hereby the Special Permit granting Authority for the purposes of this By-Law.

A. Body Art Establishments

- 1. Body Art Establishments as defined in the Definitions Section of these Zoning By-Laws shall not be considered a customary home occupation.
- 2. Body art Establishments shall not be located in or within 100 feet of any residence or in an establishment where liquor is sold or consumed or as an accessory use to any other use permitted in these Zoning By-Laws.

⁶⁹ Article 32: April, 1980

⁷⁰ Article 7: S.T.M. Nov. 1,1977

⁷¹ Article 31: A.T.M. May 21, 2001

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3. Body Art Establishments shall not be located within 300 feet of a residential zoning district. Residential Zoning districts include: Residential Districts S-1, S-2, General Residence Districts, Garden Apartment Districts and High Rise Apartment Districts.
4. Body Art Establishments in no case shall operate between the hours of 10:00 P.M. and 10:00 A.M.
5. Body Art Establishments shall not operate without a valid permit from the Board of Health.
6. Notwithstanding any other section of these Zoning By-Laws, Body Art Establishments shall comply with all dimensional requirements of this Zoning by-law.
7. Notwithstanding any other section of these Zoning By-Laws, Body Art Establishments shall have a minimum of two (2) parking spaces unless there is a public parking lot within 500 feet of the establishment.
8. Notwithstanding any other section of these Zoning By-Laws, Body Art Establishments shall comply with all the sign provisions of this Zoning by-law.

6.4 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD⁷²

The provisions of Section 14, Site Plan Approval, shall apply to uses, buildings and structures permitted by right or by special permit in the zoning district.

⁷² Article 6: S.T.M., May 16,2006

SECTION 6A - GARDEN APARTMENT DISTRICTS

6A.1 REQUIREMENTS⁷³

In a Garden Apartment District, no building or structure shall be constructed, used or arranged or designed to be used in any part and no change shall be made in the use of the land or premises, except for use as Garden Apartments. For the purpose of this By-Law, a Garden Apartment shall be defined as a building or a series of buildings located on a fully landscaped building lot and used exclusively for dwelling purposes, each building thereon containing not less than three (3) full family units with full kitchen and bath facilities.

The following shall apply to construction and use of Garden Apartment Districts:

- A. No building shall be farther than one hundred (100) feet from the “nearest access street or connecting access drive” and no entrance shall be farther than two hundred and fifty (250) feet from an off street parking area.
- B. No portion of any structure shall be nearer than forty (40) feet from any other structure on said lot or sideline of interior private access roads.
- C. On each lot there shall be provided a permanent off street parking area or areas, indoor and/or outdoor, of sufficient size to allow 2 parking spaces for each apartment or family unit to be accommodated on the lot. No parking shall be allowed in front of any building with frontage on a public way or street. No parking area shall extend closer than fifteen (15) feet to a side or rear boundary.
- D. No building in a group shall be closer to any other building on the lot than a distance equal to the sum of their heights, nor, in any case closer than fifty (50) feet.

6A.2 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD⁷⁴

The provisions of Section 14, Site Plan Approval, shall apply to uses, buildings and structures permitted by right or by special permit in the zoning district.

⁷³ Article 13: S.T.M. Nov. 14,1988

⁷⁴ Article 6: S.T.M., May 16,2006 (amended)

SECTION 6B - HIGH RISE APARTMENT DISTRICTS⁷⁵

6B.1 REQUIREMENTS

In a High Rise Apartment District, no building or structure shall be constructed, used or arranged or designed to be used in any part and no change shall be made in the use of the land or premises, except for use as High Rise Apartments. For the purpose of this By-Law, a High Rise Apartment shall be defined as “a building or a series of buildings located on a fully landscaped building lot and used exclusively for dwelling purposes, with each unit containing full kitchen and bath facilities”.

The following shall apply to construction and use of High Rise Apartment Districts:

- A. No entrance to a building shall be further than one hundred (100) feet from the access drive or further than three hundred (300) feet from an off street parking area. Main interior walks shall be of sufficient width and thickness to permit the entry of emergency apparatus, but shall not be used for any other vehicular or parking purposes.
- B. Inner courts shall not be permitted. No outer court shall be a width less than the average height of the surrounding walls, nor a depth greater than its' own width.
- C. There shall be provided a permanent parking area or areas, indoor and/or outdoor, of sufficient size to allow 2 parking spaces for each dwelling unit or apartments to be accommodated on the lot. A minimum of twenty five (25) percent of the required parking spaces shall be constructed underground where ground conditions permit.
- D. No building in a group shall be closer to any other building on the lot than a distance equal to the sum of their heights, nor, in any case closer than fifty (50) feet.
- E. No apartment building or structure as provided for under the provisions of this paragraph shall hereafter be erected or used except in conformity with an approved site plan as delineated in Section 14 of these Zoning By-Laws.

6B.2 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD⁷⁶

The provisions of Section 14, Site Plan Approval, shall apply to uses, buildings and structures permitted by right or by special permit in the zoning district.

⁷⁵ Article 13: S.T.M. Nov. 14, 1988

⁷⁶ Article 6: S.T.M., May 16, 2006 (amended)

SECTION 6C - OPEN SPACE DISTRICTS⁷⁷

6C.1 PURPOSE

The Open Space District is intended for the preservation and maintenance of the ground water table upon which the inhabitants of the Town and other municipalities depend on for water supply; for the protection of the public health and safety of persons and property against the hazards of flood water inundation; for the protection of the community against the costs which may be incurred when unsuitable development occurs in swamps, marshes, along water courses, or in areas subject to floods; to preserve and increase the amenities of the Town; and to conserve natural conditions, wild life and open space for the education, recreation and general welfare of the public.

6C.2 PERMITTED USES WITHIN THE OPEN SPACE DISTRICT

The following uses are permitted within the open space district.

- A. Conservation of soil, water, plants, and wildlife.
- B. Recreation including nature study, boating and fishing where otherwise legally permitted.
- C. Grazing and farming, including truck gardening and harvesting and storage of crops.
- D. Forestry.
- E. Proper operation and maintenance of dams and other water control devices including temporary alteration of the water level for emergency or maintenance purposes. An owner of a private dam may lower water level to a point not below what was flooded prior to the erection of the dam.
- F. Any Religious use or any educational use, which is religious, sectarian, denominational, or public as provided for by Section 3 of Chapter 40A, M.G.L.

6C.3 USE PERMITTED BY SPECIAL PERMIT WITHIN THE OPEN SPACE DISTRICT

Upon the issuance of a special permit for an exception by the Planning Board, and subject to such other special conditions and safeguards the Planning Board deems necessary to fulfill the purposes set forth in paragraph 1, the following actions are permitted:

1. Boat houses, duck walks, landings, and small structures for non-commercial recreational uses;
2. Municipal uses such as water works, pumping stations and parks;
3. Dams, excavations or grading, consistent with the purposes of this section, to create ponds, pools, or other changes in the watercourses, for swimming, fishing or recreational uses, agricultural uses, scenic features, or drainage improvements.

⁷⁷ Article 6: S.T.M. June 3,1987

6C.4 RESTRICTIONS

Except as provided above and in M.G.L., Ch. 131, Sec. 40, there shall be in the open space district;

- A. No land filling or dumping in any part of the district;
- B. No building or structure, except as provided in Section 3;
- C. No permanent storage of materials or equipment.

6C.5 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD⁷⁸

The provisions of Section 14, Site Plan Approval, shall apply to uses, buildings and structures permitted by right or by special permit in the zoning district.

⁷⁸ Article 6: S.T.M., May 16, 2006 (amended)

SECTION 6D - HEALTH CARE / INDUSTRIAL DISTRICTS

6D.1 REQUIREMENTS

In the Health Care / Industrial District no building or structure shall be constructed or altered and no building, structure or premises shall be used for any purpose **except:**

A. Industrial Uses

Research laboratories with incidental assembly or manufacture.
Manufacturing, development or engineering.
Warehousing

B. Business and Municipal Uses

Office Buildings
Business or Professional Offices or Banks
Municipal Uses

C. Health Care Uses And Health Care/Elderly and Medically-Assisted Housing

Nursing Homes and Convalescent Homes.
Clinics and health care facilities providing in-patient medical or dental services.
Health Care/Elderly Housing and Medically Assisted Housing.

D. Ancillary Uses

1. Ancillary uses incidental and subordinate to any of the main uses permitted in this section, for use by employees, customers, residents, patients or visitors, including , but not limited to, the following:
2. Educational and training facilities;
3. Cafeteria facilities, restaurants and other places serving food;
4. Recreational facilities and buildings;
5. Screened storage and accessory buildings;
6. Parking areas and garages;
7. Day-care centers;
8. Hospitality centers with conference facilities and a hotel or motel facility with no more than 25 rooms; and
9. Stores or shops for the retail sales of goods and services.

E. Parking Uses

Parking areas or garages for use by employees, customers or visitors of any of the uses permitted in this section.

F. Other Uses

Any additional use which the Board of Appeals allows by Special Permit granted under and in accordance with M.G.L. c40A, § 9, and which the Board determines is similar in impact to the community to one or more of the uses specifically authorized in this Section.

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G. Prohibited Uses

No Building, structures or premises shall be used for laboratories with a bio-safety rating that exceeds Bio-safety Level 3, as established by the United States Department of Health and Human Services, Public Health Service, Centers for Disease Control and National Institutes of Health (“CDC-NIH”) under guidelines set forth in the CDC-NIH publication entitled “Bio-Safety in Microbiology and Biomedical laboratories”, 2nd edition, May, 1988, including appendices, addenda and replacement thereto.

6D.2 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD⁷⁹

The provisions of Section 14, Site Plan Approval, shall apply to uses, buildings and structures permitted by right or by special permit in the zoning district.

6D.3 PERMITTED BY SPECIAL PERMIT OF THE PLANNING BOARD⁸⁰

In the Health Care/Industrial District, no building or structure shall be constructed or altered and no building, structure or premises shall be used for any of the following purpose except in conjunction with and in conformity to a special permit issued for such purpose by the Planning Board as specified in Section 12.4 of these Zoning By-laws as amended.

- A. Wireless telecommunication towers and facilities defined and regulated in Section 9 of the Protective Zoning By-laws as amended.

⁷⁹ Article 6: S.T.M., May 16, 2006 (amended)

⁸⁰ Article 16: S.T.M. October 26,1998

Section 6E - NEIGHBORHOOD BUSINESS OVERLAY DISTRICT (NBOD)⁸¹

6E.1 TITLE AND PURPOSE

The Neighborhood Business Overlay District (NBOD) is established to encourage and authorize the mixed-use development of large land areas by means of authorizing and combining a variety of building types and uses with conditions and safeguards to prevent detrimental effects and impacts upon neighboring land uses and upon the Town of Maynard generally.

6E.2 APPLICABILITY

The NBOD is an overlay district superimposed over, rather than replacing, the applicable underlying zoning districts. The NBOD authorizes certain uses not allowed in the underlying base district provided certain special terms and conditions are met regarding the establishment of such uses. Where the NBOD authorizes uses not otherwise allowed in the underlying district, the provisions of the NBOD shall control. Except as provided in this Section 6E, the NBOD does not in any manner alter or remove the zoning rights permitted in the underlying base zoning district(s). Nothing contained in this Section 6E shall prohibit or limit uses otherwise permitted by right or by special permit in the base zoning district(s).

6E.3 REQUIREMENT FOR APPROVAL OF A CONCEPT PLAN AT TOWN MEETING

No development for uses not otherwise allowed in the underlying zoning district shall be permitted on any land within the NBOD without first obtaining approval, by a majority vote at Town Meeting, of a Concept Plan that identifies the proposed development. At the property owner's discretion, one or more Concept Plans may be submitted at different times and a Concept Plan may include development of all, or any smaller portion, of the relevant parcel or lot.

Each Concept Plan submitted for approval at Town Meeting shall include the following information:

- (a) The area of land proposed to be developed under the NBOD regulations, which may be less than the total area of the applicable lot.
- (b) The topography of the land to be developed.
- (c) The location of wetlands and water bodies, if any.
- (d) The location of existing roads and ways serving the land to be developed.
- (e) The general location, size and shape of existing structures to be removed, and the general location, size and shape of existing structures to remain.
- (f) The general location and size of all required buffer areas provided in compliance with Section 6E.8(E) of these Zoning By-Laws.
- (g) The general location and approximate size of all proposed new buildings including the approximate size of each single principal use within said buildings; the final size of each single principal use to be determined via the Town's site plan review process and shall not exceed the dimensional requirements in Table 6-1.
- (h) Examples of amenities and design features to be included as part of the proposed development
- (i) Illustrations of the general architecture of the proposed structures

Each Concept Plan submitted for approval at Town Meeting shall be required to provide the following supporting information:

⁸¹ Article 2: S.T.M., June 12th, 2006

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- (a) A preliminary traffic impact analysis
- (b) A written proposal from the Property Owner (“Developer”) that addresses, but is not limited to, the following:
 - i. Any proposed exactions, financial gifts, easements or land gifts
 - ii. Payment for consultant review of plans and documents accompanying the Concept Plan
 - iii. The timing of assessment of new improvements
 - iv. The Developer’s payment for design and implementation of traffic improvements
 - v. Transfer of responsibilities and commitments in the event the property is sold

Such proposal shall be incorporated into the terms of a development agreement, which may include other provisions between the Developer and the Town of Maynard acting by and through the Board of Selectmen and the Planning Board before final site plan approval is granted by the Planning Board

Immediately following approval of a Concept Plan at Town Meeting as provided in this Section 6E.3, the owner and/or developer shall be entitled to apply for any other permits and approvals required for all or any portion of the development shown on the Concept Plan, including, without limitation, site plan review.

6E.4 PERMITTED PRINCIPAL USES

The following uses are allowed by right in the Neighborhood Business Overlay District:

- A. Healthcare Facility
- B. Health Club
- C. Restaurant
- D. Garden Center
- E. Personal Service Establishment
- F. Supermarket
- G. Retail Business
- H. Wholesale Business
- I. Mixed Use with fewer than 5 dwelling units⁸²

Multiple principal uses may exist on a single lot or parcel within the NBOD.

6E.5 PERMITTED ACCESSORY USES

The following uses shall be available as accessory to the above principal uses and as accessory to uses permitted in the underlying district(s).

- A. Outdoor storage of recreational equipment.
- B. Outdoor recreational facilities including athletic field and tennis and basketball courts.
- C. Outdoor storage, display and sales of merchandise accessory to a permitted principal retail use.
- D. Bank automated teller machine.
- E. Management or maintenance office related to the principal use
- F. Parking and accessory drives for all permitted uses in the underlying, base Zoning District, as well as any and all utilities necessary to support such permitted uses, whether or not on the same lot as the principal use.
- G. Uses and structures customarily incidental to any permitted principal use.

⁸² Article 5: S.T.M., October 16th, 2006

6E.6 PERMITTED BY SPECIAL PERMIT OF THE PLANNING BOARD

- A. Multi-family Dwelling
- B. Parking Structures⁸³
- C. Mixed use with 5 or more dwelling units⁸⁴

6E.7 NBOD DIMENSIONAL REQUIREMENTS

Table 6-1 lists the dimensional requirements for each single Principal Use within the NBOD. Uses listed in Table 6-1 in which N/A is identified have no corresponding dimensional requirement.

TABLE 6-1: NBOD Dimensional Requirements⁸⁵

Principal Use	Maximum Gross Floor Area
Multi-Family Dwelling	N/A
Healthcare Facility	N/A
Health Club	30,000 s.f.
Restaurant	10,000 s.f.
Garden Center	25,000 s.f.
Personal Services Establishment	5,000 s.f.
Supermarket	75,000 s.f.
Retail Business	35,000 s.f.
Wholesale Business	35,000 s.f.

The total gross floor area for all Principal Uses within the NBOD, including non-residential portions of Mixed Use structures, excluding Multi-Family Dwellings, Healthcare Facilities, and residential components of Mixed Use structures, shall not exceed **175,000 s.f.**⁸⁶

The maximum number of housing units in the NBOD shall not exceed one-hundred (100).⁸⁷

6E.8 DESIGN CRITERIA APPLICABLE TO PRINCIPAL USES ESTABLISHED WITHIN THE NBOD

In addition to provisions in other sections of these Zoning By-laws, the criteria listed in this Section 6E.8 shall apply to any action in the NBOD requiring Site Plan Approval under Section 14.

(A). Lighting⁸⁸. These standards are intended to: promote a lighting design for all development within the NBOD to ensure public safety and welfare; and protect the night sky from unnecessary ambient light. Any lighting plan submitted as part of a Site Plan Review application, shall include the following:

1. All lighting installations shall be designed to achieve no greater than the minimum luminance levels for the activity as recommended in the most recent standards established by the Illuminating Engineering Society of North America (IESNA);
2. To prevent glare on off-site locations, all outdoor lighting fixtures shall be full cut-off (*Full-cut-off means that no light is emitted above the horizontal plane that intersects the lowest part of the fixture*). Where necessary to prevent light or glare, accessories such as

⁸³ Article 19: S.T.M., October 16th, 2006

⁸⁴ Article 5: S.T.M., October 16th, 2006

⁸⁵ Article 5: S.T.M., October 16th, 2006

⁸⁶ Article 5: S.T.M., October 16th, 2006

⁸⁷ Article 5: S.T.M., October 16th, 2006

⁸⁸ Article 3: S.T.M., October 16th, 2006

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hoods and shields shall be used on lighting fixtures. The source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street or onto adjacent property;

3. Security lighting shall be shielded and directed at a downward angle.
4. As part of any application for Site Plan Review, the applicant shall prepare a lighting study showing that the development will meet these standards.

(B). Utilities Underground. All new, non-municipal utilities (such as electricity, telephone, gas, fiber optic cable) shall be placed underground.

(C) Setbacks/Buffers⁸⁹. For the construction of any new building, a setback area of **one-hundred (100)** feet shall be provided at the perimeter of any lot or parcel in the NBOD where it abuts the property line of any residentially zoned or occupied properties, except for fences twelve (12) feet in height or less and driveways necessary for access and egress to and from the new building(s); provided, however, that existing structures and existing access roadways and paved areas are exempt from this requirement. Notwithstanding the preceding, existing structures and paved areas shall not be made more non-conforming except for American with Disabilities Act (ADA) compliance. A buffer area of **forty-five feet (45)** shall be provided where the property line of any land within the NBOD is contiguous to the property line of another lot within an existing residential district. The buffer shall be landscaped and screened by way of fences, walls, and/or plantings (including existing vegetation and trees) to reasonably and substantially shield abutting land from parking and loading areas and buildings. Any such fences or walls may, in the reasonable determination of the Planning Board, provide openings to allow safe pedestrian access and egress between the development site and the adjacent neighborhood.

(D) Parking. Required parking shall be 4 spaces per one thousand (1,000) square feet of gross floor area for retail and supermarket uses. For outdoor sales and display areas of a Garden Center uses, required parking shall be one space per three thousand (3,000) square feet of outside merchandise display area. For all other allowed uses, the parking requirement for such use shall be in accordance with the schedule of parking uses set fourth in Section 16.3 of this by-Zoning Law.

6E.9 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD

The provisions of Section 14, Site Plan Approval, shall apply to uses, buildings and structures permitted by right or by special permit in the NBOD.

All new development pursuant to the NBOD shall be subject to Site Plan Approval from the Planning Board. The Planning Board may not issue such Approval unless the proposed Site Plan substantially conforms to the Concept Plan approved by the Town Meeting. The Planning Board may permit minor modifications to the proposed development in connection with its site plan review, provided that the Planning Board finds, in its reasonable discretion and in writing, that any such modifications do not materially conflict with the general intent of the Concept Plan as approved.

6E.10 SIGNAGE

The provisions of Section 10 (signs) of this by-Zoning By-Law for the underlying base zoning district shall govern signage for projects built under the NBOD provisions.

⁸⁹ Article 21: S.T.M., October 16th, 2006

Section 6F – DOWNTOWN MIXED-USE OVERLAY DISTRICT (DOD)⁹⁰

6F.1 PURPOSE

The purpose of this overlay district includes the following;

1. To foster a vibrant, attractive, and durable downtown;
2. To encourage quality development in the downtown that shall include site and architectural features consistent with the best development within the DOD as well as those standards set forth by the Planning Board through Site Plan Regulations;
3. Enable a modest increase in density of development in the downtown;
4. Enable mixed retail, commercial, residential uses;
5. Increase the effectiveness of allocation of parking spaces;
6. Improve the pedestrian experience in the downtown;
7. Provide greater flexibility in uses allowed that can enhance how downtown functions.
8. Recognize the value of the Assabet River and its value as a significant asset to the downtown;
9. Significantly increase views and physical access to the river while fostering development that proactively protects the River from storm water and the contaminants contained within.
10. To maintain and encourage appropriate massing and height of buildings that blend in and enhance the building elevations already in existence, in most cases a two-story street front facade

6F.2 APPLICABILITY

The DOD is an overlay district superimposed on the included portions of the underlying zoning districts. All use allowances, definitions, regulations and standards of the underlying zoning district shall apply within the DOD except where specifically modified or supplemented by this section. Where the DOD varies dimensional or other requirements otherwise set forth in the Protective Zoning By-Laws, the terms and conditions of the DOD shall control.

6F.3 There is no Section 6F.3⁹¹

6F.4 SPECIAL PERMIT GRANTING AUTHORITY (SPGA)

For the purposes of Section 6F of the Protective Zoning Bylaws, unless otherwise noted, the Planning Board shall be the Special Permit Granting Authority.

⁹⁰ Article 7: S.T.M., May 22nd, 2007

⁹¹ Article 6, S.T.M., May 20th, 2008

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6F.5 PERMITTED AND PROHIBITED USES

In addition to the uses permitted in the underlying district (see Section 2.3 of the Protective Zoning Bylaws), the following uses are permitted:

Use	Permitted (Y), Not Permitted (N), Special Permit (SP)
Multi-Family Dwelling (for lots with frontage on Main or Nason Streets bounded by Florida Road and Summer Street or for lots with frontage on Summer Street between Nason and Main Streets).	N
Multi-Family Dwelling (for lots that do not fall under the restricted area above)	SP
Mixed Use with 6 or fewer dwelling units	Y
Mixed Use with more than 6 dwelling units	SP

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6F.6 DIMENSIONAL REQUIREMENTS

Dimensional Requirements	
Minimum Lot Requirements for Multi-Family and Mixed Use	
Area (square feet)	1,500 s.f. per residential unit (see Section 6F.4A)
Frontage (feet)	20 feet
Width (feet)	0
Maximum / Minimum Yard Requirements for Multi-Family and Mixed Use	
Front (feet) – Maximum / Minimum	10 / 0 ¹
Side (feet) – Maximum / Minimum	Unlimited / 0 ¹
Rear (feet) – Maximum / Minimum	Unlimited / 0 ¹
Maximum Building for Multi-Family and Mixed Use	
Maximum Lot Coverage %	90%
Building Height for All Uses	
Minimum Height (stories)	2 stories (see Section 6F.4B)
Maximum Height (feet)	45 feet

Notes: 1 – Increase by 15 feet when abutting a residential lot not within the Downtown Overlay District

6F.6A Special Permit for Multi-Family / Mixed Use Reduced Area Requirement

In order to provide maximum flexibility to prospective developers while ensuring sufficient safeguards for the Town, a Special Permit may be issued by the SPGA to reduce the minimum lot requirement for multi-family and mixed use to a minimum of eight-hundred (800) sq. ft. per residential unit if and only if all of the following conditions are met:

- 1 An executed Development Agreement between the Developer and The Town of Maynard acting by and through the Board of Selectmen and the Planning Board. The development agreement shall include all of the following:
 - a. Agreement from the developer to include in the development a number of “affordable” units equal to or greater than 15% of the total number of units in the development, rounded up to the nearest whole unit or an agreement from the developer to make a donation to the “Maynard Affordable Housing Trust” (or any equivalent town fund or account which is dedicated to the development of “affordable” housing stock) equal in value to the whole number of affordable units, multiplied by the “affordable unit equivalent” (in dollars). This

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“affordable unit equivalent” shall be determined by the Affordable Housing Committee, or in the absence of such an committee, by the Board of Selectmen.⁹²

- b. Agreement from the Developer to make a donation to the Maynard Community Preservation Fund, or other equivalent town fund or account dedicated to the acquisition and preservation of open space or recreation land.

The development agreement may include any of the following but shall not be limited to the following:

c. Description of Development Characteristics:

- Type of housing
 - Number of units and/or bedrooms, Rental vs. owned, Percentage owner occupied if condominiums, Age restrictions, Subsidizations, Affordable component, Townhouse vs. garden style, Architecture (see Section 8.3 of Zoning Bylaws)
- Parking proposed, including underground
- Percentage and type of retail (if applicable)
 - Long term use guarantee (to remain in retail)
 - Sales of goods vs. restaurant uses defined
- Percentage and type of commercial use(s) if applicable
 - Flexibility of changing use to be allowed
 - Show consistent or reduced parking usage intensity
- Type and quality of construction proposed
- Number of stories/height
- Percent lot coverage

d. Mitigation / Infrastructure Improvements:

- To fund or contribute to the Town to fund the mitigation of impacts to Town services created by the proposed development. Examples include the following:
 - Public infrastructure improvements
 - Water supply wells, permitting, improvements
 - Water main improvements
 - Sewer main lines and structures
 - Sewage treatment plant upgrades/improvements
 - Storm water improvements, including aiding the Town to comply with municipal National Pollution Discharge Elimination System (NPDES) requirements.
 - Cable utilities improvements or conversion to underground utilities
 - Proposed traffic mitigation

- 2 In evaluating the Special Permit request, The SPGA shall apply the following review criteria in addition to the criteria identified in Section 12.4 of the Protective Zoning Bylaws:

- a. The proposal constitutes a high quality development with regards to construction materials, architectural design, and site design, which will enhance the downtown and the immediate neighborhood and provide significant benefit to the residents of the Town of Maynard as provided in the Purpose section 6F.1 of the Protective Zoning Bylaws.
- b. When applicable, the proposed development will provide effective protection of the Assabet River from stormwater runoff from new impervious surfaces being proposed.
- c. The proposed development will improve the functioning of the downtown by at least one of the following means:

⁹² Article 12, S.T.M. October 29, 2007

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- Provide a significant improvement to the usage and/or number of public parking spaces in the downtown area;
 - Provide a significant improvement to the effectiveness of the parking space allocation of the downtown area;
 - Provide a significant improvement to the pedestrian experience in downtown Maynard;
 - Provide a significant improvement to the water quality of current stormwater runoff reaching the Assabet River;
 - Increase views and access to the Assabet River;
 - Provide a significant improvement to the functioning of the downtown area;
- d. The proposed development is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area.

6F.6B Special Permits for Reduced Building Height

While increased density is one of the goals of the DOD, situations may arise in which development of multi-story structures may not be practical. In such cases, an applicant may request relief from the minimum building height as identified within this section through a Special Permit.

In evaluating the Special Permit request, The SPGA shall use the following review criteria in addition to the criteria identified in Section 12.4 of these Zoning Bylaws:

1. Ability of the reduced height development to fit within the surrounding streetscape.
2. That the single story building proposed is the only reasonable, practicable alternative for development of the site in question. Alternatives need not be economically equivalent.
3. That there are circumstances particular to the site in question that do not apply to the neighborhood in general.
4. That adherence to the bylaw requirement for a multi-storied building will impose unreasonable hardship on the development of the site and its owners.
5. The proposed development purpose is an allowed use in the underlying district and/or the overlay district, and could not be accomplished with a multi-story structure.

6F.7 PARKING STANDARDS WITHIN THE DOD

Parking requirements in the DOD are designed to allow existing first floor uses to meet their parking requirements based on non-contracted use of existing public parking in the downtown and to acknowledge that shared parking solutions work well in downtowns where users typically will visit multiple destinations within walking distance of each other.

1. **First Floor Rehabilitation Credit**⁹³: The rehabilitation of the 1st floor of any preexisting (prior to the adoption of the DOD on May 22nd, 2007) structure whose previous and proposed new use are non-residential is exempt from minimum parking space requirements. The expansion of the 1st floor of said structure by less than 500 square feet (s.f.) of gross floor area (g.f.a.) is also exempt from minimum parking requirements. For expansions greater than or equal to 500 s.f. of g.f.a., parking must be provided for said expansion by using the total expansion size, minus 500 s.f. g.f.a., and the schedule of uses as identified in Table 6F-1.

⁹³ Article 2, S.T.M. May 20th, 2008

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For all other uses, the following schedule of uses shall supersede the schedule identified in Section 16:

Table 6F-1: Parking Schedule of Uses:

USE	PARKING REQUIREMENT
Dwelling unit	1.5 spaces per unit
Retail	One Space per 500 sq.ft. of gross floor area (g.f.a.)
Office	One Space per 500 sq.ft. of g.f.a.
Medical office	One Space per 400 sq. ft. of g.f.a.
Restaurant	One Space per 85 sq. ft. of g.f.a.
Hotel, motel, bed & breakfast	One Space per sleeping room, plus 1 space per 400 sq. ft. of meeting space
Manufacturing, industrial	One Space per 1,000 sq.ft. of g.f.a.
Other uses not specifically noted here	See Section 16 for parking requirement.

2. Parking Location

Parking shall be provided on the same lot as the proposed use. When on-site parking cannot fulfill the entire parking requirement of the proposed use(s), the remaining parking requirement may be fulfilled by parking on a separate lot within a non-residential district through a Special Permit. The proposed offsite lot must be within 1,000 ft. of the lot to be developed.

If the separate lot is not under common ownership with the original lot, a Special Permit issued under this provision for the off-site spaces shall require a lease of said lot for a length of not less than 5 years.

3. Mixed Use and Shared Use Parking

Refer to Section 16.3B of these Zoning Bylaws for more information.

4. Special Permit to Reduce Minimum Parking Requirement

Refer to Section 16.2C of these Zoning Bylaws for more information.

6F.8 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD

The provisions of Section 14, Site Plan Approval, shall apply to uses, buildings and structures permitted by right or by special permit in the zoning district;

SECTION 7 - NON-CONFORMING SITUATIONS⁹⁴

7.1 OBJECTIVES AND APPLICABILITY

7.1.1 NON-CONFORMING SITUATIONS

For the purposes of this By-law, non-conforming situations are those uses, buildings, structures, and other activities that do not now conform to the provisions of this By-law, but that are now subject to the provisions of this By-law, and which were lawful before notice of publication of the first public hearing for the adoption of this By-law, or of amendments to this By-law which are applicable to the situation.

7.1.2 NON-COMPLYING SITUATIONS

Those uses, buildings, structures, and other activities that are subject to the provisions of this By-law which were not lawfully created after this By-law was adopted or after amendments to this By-law are applicable to those situations were adopted, are in violation of this By-law and may be called non-complying situations.

7.1.3 NON-COMPLYING STRUCTURES 10 YEARS OR OLDER

Pursuant to G.L.c.40A, §7, a structure which has not been in compliance with this By-law, or with the conditions set forth in any special permit or variance affecting the structure, for a period of 10 years or more from the commencement of the violation, may not be the subject of an enforcement action by the Town to compel the removal, alteration, or relocation of such structure. Structures, which qualify under G.L.c.40A, §7 are considered to be non-conforming, structure and are entitled to treatment as such is provided in this section.

7.1.4 OBJECTIVES

The provisions of this section are intended to achieve the following purposes:

- A. Allow non-conforming situations to continue until they are discontinued or abandoned.
- B. To regulate any expansion of a non-conforming use, as measured either by the amount of floor space or land area used or by the volume of activity in the use; and to encourage the substitution of other uses, which may also be non-conforming, but which are more compatible with, and have fewer impacts on, the surrounding areas.
- C. To permit a regulated expansion of non-conforming buildings provided there are not demonstrable adverse impacts on adjoining properties.
- D. Where a non-conforming situation is proposed to be changed to encourage greater conformity with all the provisions of the By-law and the objectives and purposes stated in this By-law.
- E. In the event of the partial destruction of a non-conforming situation, to permit the reconstruction of the non-conforming situation so that the owner and tenants, if any, are not subjected to substantial economic loss while, at the same time, seeking to achieve greater conformity with the provisions of this By-law and to reduce any adverse impacts on the surrounding area.
- F. To permit the treatment of non-conforming situations to be varied by the type of zoning district and the type of nonconformity, i.e., to have a different approach for uses, structures, or to restrict, curtail, or regulate commercial activities in a residential district.

⁹⁴ Article 32: A.T.M. May 19, 1997

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7.2 GENERAL PROVISIONS

7.2.1 The Board of Appeals shall be the Special Permit Granting Authority (SPGA).

7.2.2 A use, building, structure, or any other activity which is non-conforming, but not non-complying, may be continued but may not be increased or expanded except as may be specifically authorized by this section. If such non-conforming situation is abandoned or terminated, as set forth below, or by law, it may not be resumed except in compliance with this By-law.

7.2.3 LAWFULLY CREATED

A use, building, structure, lot, or any other activity is considered to be lawfully created, with respect to zoning requirements, if:

- A. It was in existence on November 13, 1950, when the Zoning By-law was originally adopted, or,
- B. Subsequent to November 13, 1950, it was permitted by right by the Zoning By-law and was in existence prior to the effective date of any amendment, which renders it non-conforming, and if required at the time of its creation, a building permit or certificate of occupancy was issued.

As the records of the Building Inspector in earlier years are incomplete, the Zoning Enforcement Officer or the Board of Appeals may accept such extrinsic and testimonial evidence of lawful creation for those years as may be deemed to be adequate in lieu of official Town records.

7.2.4 A use, building, structure, lot, or any other activity which is not otherwise permitted by right and does not comply with this By-law, due to the prior grant of a special permit, is not non-conforming, is not entitled to the treatments afforded by this section, and is bound to the conditions of the special permit, as granted.

7.2.5 ONCE IN CONFORMITY, OR CLOSER TO CONFORMITY, CANNOT REVERT

Once a use, building, structure, lot, or any other activity, which had been non-conforming, is brought into conformity with this By-law, it shall not be permitted to revert to nonconformity. Once a use, building, structure, lot, or any other activity which is non-conforming is brought into closer conformity with this By-law, i.e. the amount or degree of nonconformity is reduced, it shall not be permitted to revert to nonconformity with the provisions of this By-law which is greater than the closest amount or degree of conformity which it has achieved.

7.2.6 CHANGE IN LOT THAT RESULTS IN NON-COMPLIANCE

No lot upon which there is a building or for which a building permit is in force shall be subdivided or otherwise changed in area or shape, except through public acquisition, so as to result in a violation, applicable to either the lot or the building, of the requirements of Section 15, TABLE 1, *Standard Dimensional Controls*, and of other applicable requirements of this By-law. A lot already non-conforming shall not be changed in area or shape so as to increase the degree of nonconformity with the requirements of this By-law; a non-conforming lot may be changed in area or shape to move closer to conformity with the requirements of this By-law. If land is subdivided, conveyed, or otherwise transferred in violation hereof, no building permit, special permit, certificate of occupancy or approval of a subdivision plan under the Subdivision Control Law shall be issued with reference to said transferred land until both the lot retained and the newly created lot(s) meet the requirements of this By-law.

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7.2.7 DISCONTINUANCE, ABANDONMENT

A non-conforming use or structure or other non-conforming situation is considered to be discontinued or abandoned whenever:

- A. It is not used for a period of 24 consecutive months, or
- B. There is evidence of discontinuance or intent of abandonment and it is apparent that the owner does not intend to resume the use or other non-conforming situation, whichever occurs first.

In the administration of part B. above, evidence of discontinuance or intent of abandonment shall include:

- 1. Bringing the use, structure or other nonconformity into compliance with this By-law, or,
- 2. Ceasing to be open to the public for the conduct of business for a period of six continuous months, and one or more of the following:
 - a. Removal of customary equipment or supplies for the operation of a use,
 - b. Disconnecting electrical, gas or other utility services,
 - c. Failure to provide for operation in colder weather such as ceasing to heat the building at normal levels required by health regulations or failing to provide snow removal,
 - d. Issuance of a notice of an unsafe structure by the Building Inspector,
 - e. Activities of the owner to sell or prepare the premises for sale as a vacant premises.

In the event that the Zoning Enforcement Officer has evidence of discontinuance or abandonment, he/she shall communicate with the owner of record, by certified mail, inquiring as to the owner's intent and informing the owner of the potential loss in non-conforming status. Such owner shall be allowed a period of thirty days from the transmittal of such communication in which to respond and to take action.

Discontinuance or abandonment of a part of a non-conforming use, structure or situation shall not normally be considered to be evidence of discontinuance or abandonment of the whole unless that part which is discontinued or abandoned is the part, which causes the nonconformity.

7.3 NON-CONFORMING USES

7.3.1 A non-conforming use may be continued to the same degree and for the same purpose but may not be altered, expanded, or extended. A non-conforming use shall be considered to be altered, expanded, or extended if there is:

- A. An increase in the net floor area, or
- B. An increase in the number of employees or facilities for same, e.g. rest rooms, or
- C. A substantial increase in the number of automobile or truck traffic trips generated by the use, an increase in the number of customers or employee parking spaces or delivery spaces or slips, or
- D. An increase in the hours of operation, or
- E. A change from seasonal to full time operation, since the use first became non-conforming.

7.3.2 A non-conforming use is limited to the lot on which it is located and cannot be relocated to another lot within the same zoning district.

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7.3.3 SUBSTITUTION OF NON-CONFORMING USE

The SPGA may issue a special permit to allow a new use, not otherwise permitted by right in the zoning district in which the non-conforming use is located, to be substituted for the existing non-conforming use subject to the following conditions:

- A. The new use is more compatible with the zoning district in which the non-conforming use is located than the existing non-conforming use it replaces. In this context, more compatible shall mean it complies with the criteria set forth in subsection 12.4.3, subparagraphs c and d, and
- B. The new use is consistent with the purpose of the zoning district in which it is to be located, or prior uses therein permitted, and
- C. In the case that an existing non-conforming use is a commercial use and is located in a residential zoning district, the SPGA may permit the substitution of another use permitted in any residential district or

7.3.4 If a new use, not otherwise permitted by right in the zoning district in which it is located is allowed by a special permit granted under Subsection 7.3.3, the new substituted use shall be considered to be the non-conforming use and the previous non-conforming use shall not be re-established.

7.4 NON-CONFORMING BUILDINGS

7.4.1. ONE-FAMILY, TWO-FAMILY DWELLING

An existing non-conforming one-family or two family dwelling which is non-conforming with respect to a minimum yard setback may be enlarged or extended in any other direction in compliance with this By-law by the issuance of a building permit as provided in Subsection 12.1.2. That part of an existing non-conforming dwelling which is non-conforming with respect to a minimum yard setback may be enlarged or extended in that yard provided that the SPGA grants a special permit and that the SPGA determines that the extension or enlargement is appropriate in scale and mass for the neighborhood.

7.4.2. An existing non-conforming building, other than a one-family or two-family dwelling, which is non-conforming with respect to a minimum yard setback may be enlarged or extended in any other direction in compliance with this By-law by the issuance of a building permit as provided in subsection 12.1.2 provided all other uses, structures and activities on the lot comply fully with the requirements of this By-law.

7.4.3. An existing non-conforming building, other than a one-family or two-family dwelling, which is non-conforming with respect to another requirement of Section 8, Dimensional Controls, or of TABLE 1, other than a minimum yard setback, may not be enlarged or extended, except that multifamily dwellings for three or more families may be altered, enlarged, or extended by a special permit which may be granted by the Board of Appeals, subject to Section 14 site plan review by the Planning Board.

7.4.4 NON-COMPLYING BUILDING

If a building, or part of a building, does not comply with the standards set out in the Dimensional Controls, except for minimum lot area or minimum lot frontage, or those that were in effect when it was constructed, and the building was constructed in accordance with a building permit issued by the Town except for such dimensional noncompliance, it shall be considered to be a non-conforming building, and entitled to treatment as such, if the following conditions are met:

- A. The noncompliance has existed for at least six years during which time no enforcement action has been taken, and
- B. The noncompliance was not created or increased by changes in lot lines after the construction of the building.

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If a building, or part of a building, does not comply with the Dimensional, except for minimum lot area or minimum lot frontage, or these that were in effect when it was constructed and condition a) and b) above are met but the building was not constructed in accordance with a building permit duly issued or there is no evidence that a building permit was issued, the SPGA may grant a special permit for the continued use of the building under criteria set forth in Subsection 12.4.3, subparagraphs b, c, and d.

7.5 NON-CONFORMING LOTS

7.5.1 No lot which does not comply with the provisions of this By-law with respect to minimum lot area, minimum lot frontage, or minimum lot width or with the requirements then in effect at the time of recording or endorsement, whichever occurs sooner, shall be subdivided or otherwise changed in area or shape, except through public action, so as to be in violation of the provisions of this By-law.

A lot already non-conforming with respect to those provisions shall not be changed in area or shape so as to increase the degree of noncompliance. A lot which is non-conforming with respect to those provisions may be changed to be made closer in compliance but once brought closer into compliance, i.e. the amount or degree of nonconformity is reduced, it shall not be permitted to revert to noncompliance which is greater than the closest amount or degree of compliance which it has achieved.

7.5.2 However, in cases where a lot is proposed to be created with less than the minimum required frontage, but substantially more area than the minimum area required, the Zoning Board of Appeals may grant a variance and shall, in addition to other criteria, make the following findings:

- A. The area in question is not now subject to substantially more congestion than experienced by other similar neighborhoods in that section of town;
- B. Granting of the variance for reduced frontage will not increase the degree of congestion in the area in any meaningful way;
- C. Granting of the variance for reduced frontage will not result in creation or exacerbation of public safety concerns in the area.

7.6 REPAIR, RECONSTRUCTION

7.6.1 CONTINUANCE, REPAIRS

Routine maintenance and repairs are permitted to a non-conforming structure or other situation to maintain it in sound condition and presentable appearance.

7.6.2 RECONSTRUCTION AFTER INVOLUNTARY DESTRUCTION (BY RIGHT)

Any non-conforming use, structure, building or other non-conforming situation which is destroyed or damages by explosion, collapse, fire, storm, natural disaster, or other catastrophic event any of which is beyond the control of the owner, to the extent of not more than 50 percent of its replacement cost, as determined by the Building Inspector, may be reconstructed provided there is no increase in the site coverage or gross floor area or the degree of nonconformity and the reconstruction conforms to the current requirements of this By-law to the maximum extent practicable in the opinion of the Building Inspector. In this context, maximum extent practicable shall consider extreme site conditions, such as steep grades, the presence of ledge or other unsuitable soil conditions, or the shape and configuration of the lot.

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7.7 VESTING OF RIGHTS DURING ADOPTION OF AMENDMENTS

7.7.1 A use, building, structure, or other situation which would comply with the provisions of this By-law at the time at which a building permit is issued or a special permit is granted but would not comply with a proposed amendment to this By-law shall be considered to be non-conforming and may be completed, continued, or maintained provided:

- A. The building permit was issued or special permit was granted before the first publication of notice of public hearing on the proposed amendment, and
- B. Substantial physical construction or start of operations is begun within six months of the issuance of a building permit or the grant of a special permit and is carried through to completion as continuously and expeditiously as is reasonable in the opinion of the Building Inspector. If the construction is not completed within 18 months of the issuance of the building permit or the grant of the special permit, the rights to non-conforming status shall cease and the construction shall comply with this By-law, as amended.

The filing of an application for either a building permit or a special permit is not sufficient to vest rights but the building permit must be issued or the special permit granted prior to such first publication of notice.

7.7.2 In the event of the filing and subsequent approval of a definitive subdivision plan an exemption from an amendment to this By-law and a right to be treated under the previously existing provisions of the By-law may be vested as set forth in G.L.c.40A, §6.

7.7.3 In the event of the filing and subsequent endorsement of an "approval not required" plan, referred to in G.L.c.41, §81P, and exemption from an amendment to this By-law affecting the use of land only and a right to be treated under the previously existing provisions of this By-law may be vested as set forth in G.L.c.40A, §6.

7.7.4 In the event that rights have been vested under a previous version of the Zoning By-law, an owner may proceed as if that version of the Zoning By-law applied to his/her property or he/she may use the most current version of the Zoning By-law but must use either version of the Zoning By-law fully and cannot select provisions of both versions.

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination, which previously has been issued.

SECTION 8 - STANDARD DIMENSIONAL REQUIREMENTS⁹⁵

8.1 TABLE I AND DEFINITIONS

No building or structure shall be erected except in accordance with the Table of Standard Dimensional Requirements. No alterations or additions shall be made to any existing building or structure that would make any dimension affected by its alteration or addition out of compliance with the requirements of TABLE I. This provision shall not apply in the case of a lot that qualifies under Subsection 8.3.

A. Building Coverage

The building coverage shall be determined by dividing the total ground area of all buildings on a lot, including roof overhangs extending more than two feet from the exterior building wall, carports, and canopies, whether or not such carports or canopies are part of a building, by the Lot Area as defined under the Definitions section in this By-law, including all limitations on Lot Area imposed by same.

B. Height in Feet

1. Height in Feet (Structures) - Height in feet shall be the vertical distance measured from the mean of the finished ground level adjoining the entire structure to the highest extension of any part of the structure.
2. Height in Feet (Buildings) - Height in feet shall be the vertical distance measured from the mean of the finished ground level adjoining the entire building at each exterior wall to the ridge or highest point in the roof.

⁹⁵ Article 33: A.T.M. May 19, 1997

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TABLE 1
Maynard Zoning By-Law
Dimensional Requirements⁹⁶

Item	O	S-1	S-2	GR	B	I	GA	HRA	CB	HCI⁹⁷
<u>Minimum Lot Requirements</u>										
Area (square feet)	40,000	10,000 ¹	20,000 ¹	7,000 ^{1,2}	7,000 ^{1,2}	40,000	43,560 ³	217,800 ⁴	0	40,000
Frontage (feet)	150	100	130 ⁵	75	75	150	100 ⁶	200 ⁶	0	150
Width (feet)	120	80	104	70	70	120	0	0	0	120
<u>Minimum Yard Requirements</u>										
Front (feet)	60	25	25	25	30	50 ⁹	25	[50 ¹¹] ³	0	50
Side (feet)	50	15	15	15	15 ⁸	30 ⁹	30 ³	[50 ¹²] ⁸	0	30 ¹³
Rear (feet)	50	30 ⁷	30 ⁷	15 ⁷	15 ⁸	30 ⁹	30 ⁸	[50 ¹²] ⁸	0	30 ¹³
<u>Maximum Building</u>										
Coverage (%)	10	15	15	40	35	35	25	25	N/A	35
Height (feet)	35	35	35	35	35	40	30	100	40	70 ¹⁴
<u>Minimum % of lot area</u>										
Landscaped open	70	0	0	0	30	30	30	30	0	30
Located in front yard	25	0	0	0	10	10	10	10	0	10

Legend:

N/A = not Applicable **S-1** = Single Residence district **S-2** = Single Residence districts **O** = Open Space **B** = Business District
GR = General Residence district **I** = Industrial District **GA** = Garden Apartment district **HRA** = High rise Apartment district
CB = Central Business district **HCI** = Health Care / Industrial⁹⁸

Footnotes to Table

1. For Elderly Housing 2,000 s.f. / unit (under the jurisdiction of the Maynard Housing Authority), and 10,000 s.f. minimum lot area.
2. For multiple dwellings; 5,000 s.f. /dwelling, and 10,000 s.f. minimum lot area.
3. And 10,000 s.f. /unit.
4. And 5,000 s.f. / unit.
5. Per building
6. (Removed)
7. No accessory buildings shall be placed or erected within five (5) feet of the rear lot line. No accessory building shall occupy more than 30% of the back yard area.
8. Increase by 35 feet when abutting a S-1 or S-2 district. At least 25 feet of any or all yards abutting S-1 or S-2 district shall be landscaped open space with screening.
9. Increase by 70 feet when abutting a residential district. At least 40 feet of any or all such yards abutting a residential district shall be landscaped open space with screening.
10. (Reserved)
11. Or 150% of the building height, which ever is greater.
12. Or 100% of the building height, which ever is greater.⁹⁹
13. Provided that the minimum required side and rear yards between a Lot Line and an existing building shall be 15 feet.
14. In addition, a building may have no more than five floors, excluding the basement level.

⁹⁶ Article 39: A.T.M. May 16 & 17, 1988

⁹⁷ Article 15: S.T.M. November 14, 1994

⁹⁸ Article 15: S.T.M. November 14, 1994

⁹⁹ Article 39: A.T.M. May 16 & 17, 1988

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8.2 REDUCED FRONTAGE LOTS

8.2.1 In S-1, S-2, and I Districts, lot frontage may be reduced by 20% from each of the respective minimum frontages required, provided that each such Lot fronts entirely on a cul-de-sac, and provided that there are no more than three such reduced frontage Lots on the cul-de-sac.

8.2.2 The reduction in frontage defined above in Section 8.2.1 is the only reduction in the frontage requirements shown in TABLE I that is allowed under these By-laws. The applicant is not required to seek a variance from the Zoning Board of Appeals for reduced frontage pursuant to Section 8.2.1.

8.3 EXEMPTIONS FROM DIMENSIONAL CONTROLS

8.3.1 PRE-EXISTING RESIDENTIAL LOTS

Any lot which complied with the minimum area, frontage, and lot width requirements, if any, in effect at the time the boundaries of the lot were defined by recorded deed or plan, may be built upon or used for residential use, notwithstanding the adoption of new or increased lot area, frontage or lot width requirements, provided that:

- 1) At the time of the adoption of such new or increased requirements or while building on such lot was otherwise permitted, whichever occurs later, such lot was held, and has continued to be held, in ownership separate from that of adjoining land; and
- 2) The lot currently has, and at the time the boundaries of the lot were initially defined had at least 5,000 square feet of area and 50 feet of frontage at the time the boundaries of the lot were defined; and
- 3) Any proposed structure is situated on the lot so as to conform with the minimum yard, if any,

8.3.2 PRE-EXISTING BUSINESS, CENTRAL BUSINESS, INDUSTRIAL AND HEALTH CARE/INDUSTRIAL DISTRICT LOTS

In the Central Business, Business, Industrial and Health Care/Industrial districts the Planning Board may permit a building (other than a residential dwelling) to be erected on a lot having less area or frontage, or both, than the minimum requirements specified in TABLE I, if at the time of the adoption of said minimum requirements such lot was lawfully laid out and recorded by plan or deed and did not adjoin other land of the same owner available for use in connection with such lot, provided that the Planning Board determines that such permission can be granted without substantial derogation from the original intent and purpose of this Bylaw.

SECTION 9- WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES¹⁰⁰

9.1 PURPOSE

The purpose of this By-law is to establish general guidelines for the siting of wireless telecommunication towers, antenna(s), satellite dishes greater than three (3) feet in diameter, and appurtenant structures. The intent of this By-law is to 1) require the location of towers on land in zoning districts other than residential or open space districts, and in areas where the adverse impact on the community is minimal, 2) minimize the number and overall height of towers in Maynard, 3) require the co-location of different telecommunication companies' antenna(s) on towers as much as possible, 4) encourage the siting of towers and appurtenances to minimize their visibility to the public, including if possible location of antenna(s) in or on existing buildings, 5) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently, 6) prohibit satellite dishes greater than three (3) feet in diameter in residential zones, and 7) to make available all wireless telecommunication towers and facilities to local municipal agency use upon their request.

9.2 DEFINITIONS

1. "Wireless Telecommunication Tower and Facilities" (hereinafter also referred to as the "facility or facilities") shall include towers, antenna(s), panels, and appurtenant structures designed to facilitate the following services: cellular telephone service, personal communications services, and enhanced mobile radio service. For the purposes of this By-law, wireless telecommunication facilities shall also include any satellite dish greater than three (3) feet in diameter.
2. References to "this By-law" herein shall be taken to mean the Protective Zoning By-law of the Town of Maynard, or more specifically, and as the context requires, Section 9 of same as defined herein.
3. "Tower Height" shall mean the height of the tower or of any component including antenna(s), as measured vertically from the extreme highest point of the tower to the lowest point of natural grade within a perimeter circle extending 10 feet outside the bounds of the smallest circle containing all the supporting legs of the tower.

9.3 GENERAL REQUIREMENTS¹⁰¹

- 9.3.1 No wireless telecommunications facility, which shall include towers of any type greater than twelve (12) feet in height, satellite dishes over three (3) feet in diameter, antenna(s), panels, and appurtenant structures, shall be erected or installed except in compliance with the provisions of this Section. The foregoing provision shall also apply to antennas to be added to an existing tower, which specific antennas were not previously approved during a Special Permit process. In all cases, a Special Permit is required from the Maynard Planning Board in accordance with the requirements set forth herein. Granting of a Special Permit is required prior to the approval of a Site Plan by the Planning Board.
- 9.3.2 Only free-standing towers not requiring guy wires for support are allowed.
- 9.3.3 Tower height shall be limited to the minimum height necessary, as determined from objective technical evidence presented by the applicant. In all cases, tower height shall be limited to less than the Federal Aviation Administration height limit beyond which lighting would be required for the particular siting area proposed, or 125 feet, whichever is less, except that a 190' limitation, rather than a 125' limitation shall apply for those buildings or structures already in existence within the Town of Maynard on January 1, 2000. Any Additional height added to an existing structure above 125' will be considered a new structure.

¹⁰⁰ Article 36: A.T.M. May 19, 1997

¹⁰¹ Article 22: A.T.M May 15, 2000 (Section 9.3.3)

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- 9.3.4 Wireless telecommunications facilities shall be located zoning districts other than residential or open space zoning districts, and shall be suitably screened from abutters and residential neighborhoods. Towers may be allowed on a lot as an accessory use to a main building, however no more than one tower may be sited on any parcel of land.
- 9.3.5 There shall be a presumption by the SPGA that the applicant's service can be provided by location of antenna(s) in or on existing buildings or structures. This presumption may be re-buttable by hard evidence to the contrary that such location is not feasible.
- 9.3.6 When utilizing existing buildings or structures for antenna(s) location, antenna(s) shall, wherever possible, be enclosed within an existing structure such as a church steeple or clock tower. Antenna(s) may only be placed on the exterior of existing buildings or structures upon the determination by the SPGA that placement within existing buildings or structures is not feasible, and that the placement of such antenna(s) does not materially detract from the historic value or traditional view of buildings or structures in the vicinity. The height limit imposed by Section 9.3.3 above shall also apply to antenna(s) placed on existing buildings and structures, and shall be measured from the lowest ground elevation adjacent to the existing building or structure.
- 9.3.7 There shall be a presumption by the SPGA that co-location of multiple service providers now seeking, or anticipated to be seeking a tower location within the next 3 years within 2 miles of the proposed site, is possible and will be included in any Special Permit application. This presumption may be re-buttable by hard evidence to the contrary that such co-location is not feasible. Once a special permit has been granted, in the interest of not burdening the public process, no application for an additional tower on any portion of the site in question will be accepted until a period of three years has elapsed from the granting of the special permit.
- 9.3.8 Facilities shall be removed upon cessation of use, at the sole expense of the owner(s) of the facility as defined in Section 9.6.1, below. Use of the facility shall be determined to have ceased when it has not been in use for a period of 12 continuous months, or for a total of 18 of the last 30 months. Records shall be submitted to the SPGA annually indicating the usage of the facility over the previous 12 months, and its current operational status. Such information shall be a condition of the special permit.
- 9.3.9 All wireless telecommunications facilities shall comply with all applicable standards and regulations of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), the American National Standards Institute, the Massachusetts Aeronautics Commission, and the Massachusetts Department of Public Health. The Special Permit Granting Authority (SPGA) may require annual certification demonstrating continuing compliance with regulations and requirements of any or all of the above regulatory agencies as a condition of the Special Permit.
- 9.3.10 Nothing contained herein shall be deemed to prohibit the construction or use of an amateur radio tower or facility by a federally licensed amateur radio operator provided that, 1) the tower is not used or licensed for any commercial purpose; and 2) the tower must be removed if its use is discontinued for a period exceeding six (6) months.
- 9.3.11 If the SPGA determines that independent review of the special permit is required, it may require the applicant to pay a review fee consisting of reasonable costs to be incurred by the SPGA for the employment of outside consultants pursuant to rules adopted by the SPGA as authorized by G.L.c.44, §53G.

9.4 SPECIAL PERMIT

9.4.1 Special Permit Granting Authority

The Maynard Planning Board is hereby designated the Special Permit Granting Authority (SPGA) to grant Special Permits for wireless telecommunications facilities. Special Permits shall be administered according to Section 12.4 "Special Permits" of the Maynard Protective Zoning By-law.

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9.4.2 EXPIRATION/RENEWAL

A Special Permit granted under this By-law shall expire within 2 years of the date of issuance of the permit. Prior to the expiration of the Special Permit, the applicant shall make application to the SPGA for renewal of the Special Permit for an additional 2 year period. Said renewal shall not require the technical submissions of the original application, provided that conditions of the site and facility have not changed materially from the original application. A certification by a Structural Engineer licensed in the Commonwealth of Massachusetts as to the condition and structural integrity of the tower and its antennas shall accompany every application for renewal.

9.4.3 APPLICATION

All applications for a Special Permit for a wireless telecommunications facility shall be submitted on forms provided by the SPGA and shall include at a minimum the following supporting information:

- A. A locus plan at a scale of 1" = 1000' which shall show all property lines, the exact location of the proposed structure(s), streets, topography in a general manner including significant landscape features, residential dwellings and neighborhoods within 1000' of the site, all buildings within 500' of the proposed facility, and all other wireless telecommunications towers within two (2) miles of the proposed site.
- B. A color photograph of the proposed site from the 5 clearest vantage points with the a scale rendition of the appropriate view of the proposed tower superimposed over the photographs.
- C. 10 copies of a plan conforming to requirements for a Site Plan set out in Section 14 of the Protective Zoning By-law and in the Site Plan Review Regulations adopted by the Maynard Planning Board.
- D. Documentation consisting of a Technical Report prepared by a Professional Engineer registered in the Commonwealth of Massachusetts containing supporting calculations and technical details and criteria in support of the application and including at a minimum:
 1. Certification that the tower, antenna(s) and appurtenant structures comply with all standards of the Federal and State regulatory agencies cited in Section 9.3.9 of this By-law.
 2. A listing of the pertinent specifications of the proposed facility relating to the square footage and plan view dimensions of the tower base and any appurtenant structures, heights of the tower and of appurtenant structures, depth of footings, height and construction of fencing, and detailed diagrams of the size, type and configuration of antenna(s) arrays proposed now, and anticipated in the future.
 3. An analysis of the capacity of the proposed tower to accommodate multiple antenna(s) arrays from different wireless telecommunication companies, including type(s) of technology planned for and types and number of antenna(s) and/or transmitters/receivers. Also, a timetable for expected occupation of each of the available slots on the tower, to include expected type of technology and antenna(s).
 4. An analysis justifying the location, height and design of the facility with respect to technical, economic and competitive factors, as balanced against the expected neighborhood and environmental impacts.
 5. An analysis of the coverage area of the proposed tower showing neighboring streets and intensity of signal reception along each of the main streets within 2 miles of the proposed facility. For comparison, a similar analysis of any alternative sites available or potentially available, or being considered for tower siting which could potentially serve substantially the same or a similar area.
- E. A Marketing Report conducted by a recognized authority in the field of telecommunications services describing current demand for space on tower facilities and projected demand for such space within the Town of Maynard for the next 10 years. Said report shall include data, calculations and projections in support of the report's conclusions.
- F. Written evidence of ownership or of long term control (e.g. a long term lease) of the property upon which the tower is to be erected. Long term as used herein shall mean a period of time equivalent to at least 3 terms of the Special Permit.

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- G. It shall be a condition of the Special Permit that all towers and facilities shall be made a viable for use by the Town's emergency services personnel (Fire, Police, Ambulance) upon their request.

9.4.4 ON-SITE DEMONSTRATION

The SPGA may require the applicant to perform an on-site demonstration of the visibility of the proposed tower by means of a crane with a mock antenna array raised to the maximum height of the proposed tower. A colored 4' minimum diameter weather balloon held in place at the proposed site and maximum height of the tower may be substituted for the crane if approved by the SPGA. This demonstration shall take place after the application for Special Permit has been made, but prior to the close of the public hearing on said Special Permit. The applicant shall take care to advertise the date of the demonstration in a newspaper widely circulated in the neighborhood of the proposed site. Failure, in the opinion of the SPGA, to adequately advertise this demonstration may be cause for the SPGA to require another, properly advertised demonstration.

9.4.5. APPROVAL CRITERIA

The SPGA shall grant the Special Permit only upon finding that the wireless telecommunications facility proposed:

- A. Has been adequately described and justified to the SPGA by the applicant's compliance with the requirements of Sections 9.4.3 and 9.4.4, above.
- B. Will not be unreasonably detrimental or injurious, in the opinion of the SPGA to the neighborhood in which it is to be located;
- C. Is sited and designed to have the minimum visual, economic and aesthetic impact possible on abutters. When considering an application for such a facility, the SPGA shall place great emphasis on the proximity of the facility to residential dwellings and its impact on these residences.
- D. Is designed to be the minimum height necessary for the wireless telecommunication service required;
- E. Is designed to accommodate the facilities of wireless telecommunication companies operating in the area to the maximum extent possible, and shall incorporate a tower capable of accommodating a minimum of 3 separate antenna arrays (although appurtenant buildings may be constructed for only those users identified in the application for Special Permit); this requirement may be waived by the SPGA only upon a finding that for the particular site in question, said requirement is contrary to the public interest.
- F. Due to technical requirements, topography or other unique constraints, the facility cannot be located at any other available site that would be less visible to the general public;
- G. Has been demonstrated by technical data to be necessary due to the inability of existing facilities in the same or similar service area to accommodate the further antenna arrays required at the time of the application.

9.5 DESIGN REQUIREMENTS

- 9.5.1. All towers shall be designed to have sufficient structural capacity to support antenna arrays for a minimum of 3 separate wireless telecommunications companies.
- 9.5.2. Any tower shall be set back from any lot line by a minimum distance equal to the height of the tower above the lowest surrounding grade, but in no case less than the minimum required setbacks for the district in which it is situated. Appurtenant structures shall also conform to the minimum required setbacks for the district in which the facility is located.
- 9.5.3. Notwithstanding the provisions of Section 9.5.2, facilities shall be sited such that, at a minimum, a 50 foot undisturbed buffer zone is provided between the nearest edge of the fencing surrounding the facility and any abutting property line.
- 9.5.4. Lighting at all wireless telecommunication facilities shall be limited to low intensity lighting intended for security purposes and installed at or near ground level. The source for such lighting shall not be directly visible from any residential property in the area of the site.
- 9.5.5. Fencing shall be provided to control unauthorized access to the tower. Such fencing shall not be of the barbed wire or razor wire type, but shall be a minimum of 8 feet in height with an added section of anti

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climber returning to the exterior. Said fencing shall be appropriately screened and colored to blend in with the surrounding landscape.

- 9.5.6. Towers shall be colored so as to blend in with the surrounding landscape, including different colors to cause the structures to blend with the landscape below the tree-line horizon, and the sky above the tree-line horizon. The SPGA may impose reasonable conditions to ensure the facility will have the minimal impact on the surrounding neighborhood, visually and from noise generated by it. Conditions may include grading, screening by plantings and otherwise, and painting, as well as increased setbacks if noise from the facility is a concern, which in the sole opinion of the SPGA, is not adequately addressed by the applicant.
- 9.5.7. Access to the tower site shall be provided by a driveway designed to cause only minimal disturbance to the natural terrain, and provide emergency access at all times, the adequacy of which shall be determined by emergency services personnel and the SPGA. Wherever beneficial in the opinion of the SPGA, said access driveway shall be laid out so as to have sufficient turns to prevent passers-by from having direct line-of-sight visibility to the facility.
- 9.5.8. There shall be no signs, except for no trespassing signs discretely placed, and a required sign giving a phone number where the owner or legal operator of the facility can be reached on a 24-hour basis. All signs shall conform with the sign requirements of this By-law, and shall be the minimum size necessary in the opinion of the SPGA to accomplish the purpose of the sign.
- 9.5.9. The height of satellite dishes (greater than three (3) feet in diameter as regulated under this By-law) located on property abutting property(s) upon which residential structures are sited, shall not exceed the height of the tree-line on the lot, and shall not be visible from any street.
- 9.5.10. There shall be one parking space only for each tower site to be used solely in connection with maintenance of the facility, and not to be used for the permanent storage of vehicles or other equipment.
- 9.5.11. There shall be only one building allowed to be constructed at the base of the tower, and it shall be for the purpose of housing the necessary support equipment for the tower transmission and receiving antenna(s). Said building shall be no higher than 12 feet above the surrounding grade to its highest point, shall have a peaked roof (minimum 6 Vertical:12 Horizontal pitch) and architectural features consistent with the zoning district and with surrounding existing buildings, shall have a maximum footprint of 400 square feet, and shall be screened from abutting properties as much as is feasible in the opinion of the SPGA and/or the Planning Board. Multiple story buildings are permitted only if additional stories are below grade.
- 9.5.12. All network interconnections and other support equipment required to be sheltered shall be contained within the single support building allowed at the base of the tower. Other equipment shall be shown on the site plan, and may be subject to conditions or being placed within the support building. This determination shall be made by the SPGA based upon individual site conditions and the ability of the exterior equipment to be screened from abutting properties. The intent is to minimize visible clutter at the base of the tower to the maximum extent possible.

9.6 PERFORMANCE GUARANTEES

- 9.6.1. It shall be the joint and several responsibility of the Special Permit applicant and any subsequent owners of the facility to completely remove the tower, antenna(s), satellite dish(es), panels, and all appurtenant structures upon cessation of use of the facility, and to restore the site to its pre-construction condition. An initial cash bond shall be posted in a passbook account in a reasonable amount determined and approved by the SPGA to assure timely and complete removal of all above ground structures associated with the facility when the use of the facility is discontinued. The tower and appurtenances shall be removed within 90 days of written request from the SPGA to the current facility owner, beyond which time the SPGA may utilize the posted bond to effect the removal of all above ground structures associated with the facility, and the restoration of the site to its original grades with a permanently stable landscaped surface.
- 9.6.2. The applicant shall submit a bid for the removal of the facility from three (3) qualified contractors at the time of initial Special Permit Application. The SPGA may use these bids at its discretion to set the removal bond amount.

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9.6.3. It shall be the responsibility of the current owner of the facility to maintain the entire facility and its access road and screening in a condition equivalent to that when construction was initially completed to the satisfaction of the SPGA. Therefore, a maintenance agreement between the applicant, or a designated operator, and the SPGA, shall be executed which defines the terms of and responsibility for the maintenance as required by the SPGA. Said agreement shall constitute a condition of the Special Permit. An additional bond shall be posted, in the form of a separate passbook account in an amount to be set by the SPGA, to be utilized for maintenance of the facility and its access road and screening in the event the maintenance agreement to be executed between the SPGA and the applicant is not complied with to the on-going satisfaction of the SPGA.

9.7 SITE PLAN APPROVAL

- 9.7.1. Site Plan Approval by the Planning Board is required for the siting and construction of all wireless telecommunication facilities as defined above in Section 9.2 of this bylaw. If modification of a previously issued special permit is sought, the Planning Board may require approval of a new site plan.
- 9.7.2. Site Plan review by the Planning Board may be conducted concurrently with the proceedings and public hearings of the Special Permit application as defined in Section 9.4 of this By-law.
- 9.7.3. Site Plan applications shall be made in conformance with the Site Plan Section (Section 14) of this Protective Zoning By-law, and in conformance with the Site Plan Review Regulations adopted by the Maynard Planning Board.

SECTION 10 - SIGNS¹⁰³

10.1 PURPOSE

This section of the Maynard Protective Zoning Bylaw is designed to provide standards for the installation of signs so as to further the objectives of the Community Development Plan; promote the general welfare of the community; protect public health and safety; reduce traffic hazards; protect property values; and promote economic development. This is accomplished by encouraging the creation of an aesthetic appearance throughout the Town of Maynard, through the use of attractive and appropriate signage.

10.2 APPLICABILITY

Flags and temporary signs for political or charitable purposes, for public organizations, for states and political subdivisions thereof, and international and national flags are exempt from the provisions of this section, as are interpretative signs, provided that said signs, in the opinion of the Building Commissioner, do not create an undue safety or traffic hazard by reason of impeding minimum sight distance requirements as established by the American Association of State Highway Transportation Officials (AASHTO).

10.3 DEFINITIONS

AREA OF SIGN: The area, including all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, the frame around the sign, and any "cut outs" or extensions, but not including any supporting structure, bracket or bracing. Calculation of sign areas shall use the following formulae:

1. For two-dimensional signs affixed to or fabricated from a mounting background or signboard: the area shall be the smallest rectangular plane that wholly contains the sign.
2. For two-dimensional signs consisting of individual letters or symbols affixed directly to the building wall, window, or awning: the area shall be the smallest area enclosed by a series of straight lines connected at right angles which encompasses all of the letters and symbols.
3. For two-dimensional double-faced signs less than four (4) inches thick: use the area of one face as calculated under subparagraph.
4. For three-dimensional signs, double-faced signs greater than four (4) inches thick, objects used as signs, and "V" shaped signs: the area shall be determined by the largest of either the front or side projected view of the sign.

BRACKET: A device used to attach a sign to a building other than with screws or bolts.

CLEARANCE: A completely open and unobstructed space measured from the ground level to the lowest portion of a hanging sign. No less than eight feet (8') clearance shall be allowed when the sign is over a public or private way or walking area.

ILLUMINATION:¹⁰⁴ The act of applying or brightening a sign with light. Illumination of signs shall be subject to the following provisions:

- a. Lighted signs may be illuminated only by a steady, stationary light without causing harmful glare for motorists, pedestrians or neighboring premises. Lighting designs shall also protect the night sky from unnecessary ambient light.
- b. Sign illumination is permitted only during those hours in which the associated establishment(s) is/are open to the public.
- c. Internally lighted signs are not permitted. All lighting for signs shall be external to the text and graphics of the signs.
- d. All flashing, changing, or intermittent illumination is prohibited.

¹⁰³ Article 10, S.T.M. May 22, 2007

¹⁰⁴ Article 8, S.T.M., May 20th, 2008

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e. Exceptions to 'a', 'b', 'c' and 'd' above shall include: time/temperature signs, holiday decorations, and exposed neon "open" signs. Exposed neon "open" signs shall be restricted in size to a maximum of 20 inches tall and 30 inches wide.

LINEAL FRONTAGE: The length in feet of a building or storefront which abuts a street or public right-of-way at its first floor or entrance level.

SIGN: Any two or three dimensional fabrication, or assembly, including its supporting structure, consisting of any letter, figure, character, symbol, emblem, mark, design, pictorial representation, stripe, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, business, public performance, article, machine or merchandise whatsoever, and displayed in any manner for recognized identification or advertising purposes. "SIGNS" shall be divided into the following categories:

- 1. Awning Sign:** Any sign painted, sewn or attached onto an awning. Awnings may not extend more than Thirty Six (36) inches into the Public Way. Awnings shall conform to the Massachusetts State Building Code.
- 2. Banner Sign:** Any sign constructed of fabric or flexible material. Pennants and flags are banner signs. Banner signs may be used as permanent and temporary signs. A permanent banner sign shall not exceed sixteen (16) square feet in size.
- 3. Directory Sign:** Any sign which contains listings of two or more commercial uses or users. A directory sign shall be designed and constructed with provisions for changes of listing without reconstruction of the entire sign.
- 4. Free-standing sign:** Any sign structurally separate from the building, being supported on itself, on a standard, or on legs. Free standing signs shall be non-moveable and permanently anchored.
- 5. Plaque or Historic Marker:** A permanent, non-illuminated sign which identifies a structure or site designated by the Maynard Historical Commission as being historically significant. In the case of a structure, said sign shall be attached parallel to the structure and shall not exceed four (4) square feet. In the case of a site, said sign shall be placed on a structure or shall be freestanding, and shall not exceed four (4) square feet in area. The sign area for a plaque or historic marker shall not be figured in the allowable sign area for the structure or site.
- 6. Projecting Sign:** A sign which extends forward or out from a facade of a building. Signs shall project no more than five feet (5') from a building or two-thirds (2/3) of the width of the sidewalk, whichever is less. A Projecting Sign shall not exceed eight (8) square feet in area.
- 7. Sandwich Board Sign:** A sign structurally separate from a building and being supported on itself, usually on legs; a sandwich board sign shall be moveable and without permanent anchoring. Said sign shall not be more than six (6) square feet in area, as calculated for two-dimensional double-faced signs, shall be constructed of materials intended for outdoor use and shall not impair visibility or ability to use any public way or public area.

SPECIAL PERMIT GRANTING AUTHORITY: For the purposes of Section 10 of the Maynard Protective Zoning Bylaws, The Town of Maynard Planning Board shall be considered the Special Permit Granting Authority (SPGA) unless otherwise noted.

TEMPORARY SIGN: A sign which is intended for a limited period of display. A temporary sign may be erected for a period not to exceed the time frames listed in the following categories. A temporary sign that does not meet the following criteria shall be subject to the same requirements as for permanent signs.

- 1.** Poster-type signs, construction signs, and real estate signs are considered temporary signs provided they meet the following necessary criteria:
 - a. Poster-type sign:
 - (1) may not occupy more than twenty (20)% of the window area and may not be attached to the exterior surface of the window.
 - (2) shall be related to use conducted or goods available on the premises.

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- (3) may not be used for more than twenty-eight (28) consecutive days.
 - b. Construction sign:
 - (1) identifies parties involved in construction on the same premises only
 - (2) shall not contain advertising
 - (3) shall not be utilized for more than one (1) year, or for the duration of work on the lot, whichever is longer
 - (4) shall not exceed sixteen (16) square feet in area.
 - (5) shall be removed promptly by contractor within fourteen (14) calendar days of the completion of work.
 - c. Real Estate sign:
 - (1) shall be related to sale, rental, or lease of same lot shall not be more than twelve (12) square feet in area.
 - (2) shall be removed within seven (7) calendar days after sale, rental, or lease.
2. Any banner sign shall be considered a temporary sign provided it meets the following criteria:
- a. A banner sign intended to advertise a business establishment prior to permanent signing:
 - (1) shall be erected for a maximum of thirty (30) calendar days
 - (2) shall be no larger than twenty (24) square feet in area per business
 - (3) shall be attached to the building.
 - b. A banner sign intended to advertise a special event:
 - (1) shall be no greater than seventy-five (75) square feet in area if placed across a public street; otherwise, shall be no greater than twenty (24) square feet in area.
 - (2) shall be erected for a maximum of sixty (60) calendar days, and
 - (3) shall be removed within three (3) calendar days after the event is over.
3. A sandwich board sign shall be considered a temporary sign provided that it meets the following criteria:
- a. the sign is intended to advertise a special event or seasonal product
 - b. it shall be erected for a maximum of thirty (30) calendar days within any twelve-month period.

WALL SIGN: Any sign painted on or affixed to a building wall is a wall sign. Wall signs consist of two basic categories:

- 1. Directly applied: painted or three-dimensional letters applied directly to a building surface.
- 2. Independent Wall Sign: painted, incised or three-dimensional letters affixed to a sign board which is then attached to a building surface.

WINDOW SIGN: Any temporary or permanent sign affixed to the surface of the glass of any part of any building. Window sign(s) shall not occupy, in total, more than twenty percent (25%) of the glass area and may not be attached to the exterior surface of the glass. Window signs shall contain no letters greater than nine (9) inches in height. Any interior sign which is within five feet (5') of the window glass and which is visible from the outside of the building shall be considered a window sign even though it may not be affixed directly to the glass. Window displays of actual products or merchandise for sale or rent on the business premises shall not be considered window signs.

10.4 **GENERAL REGULATIONS**

- A. Signs shall not project above the roof or front parapet of a building.
- B. Prohibited Signs - Pennants, streamers, advertising flags, spinners, balloons, windsocks or aerially supported devices will not be allowed, except as may be specifically allowed by an approved Site Plan Review and/or Special Permit from the SPGA.
- C. Movement or Moving Parts. No sign shall move or contain any moving parts, except portions of a sign which indicated date, time and/or temperature.
- D. Off-Premise Signs - No off-premise signs will be allowed, except as allowed by the provisions of Section 10.9.

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E. Traffic Safety - No sign shall be erected in such a way as to create a traffic hazard in the opinion of the Building Commissioner.

F. Support by Utility Poles or Vegetation - No sign will be allowed to be attached to utility poles or vegetation.

G. Vehicles - No truck or other vehicle will be used as a sign.

H. Nullification - A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months from the date of the permit provided, however, that the Building Commissioner may, in his discretion, issue extensions covering a period not to exceed one year from the date of issue of the original permit.

I. Inspection - Any sign may be inspected periodically by the Building Commissioner for compliance with this bylaw and other requirements of law.

J. Existing Signs - Existing signs are defined as those erected before the adoption of this bylaw, and are classified into one of four separate categories. These are:

- (1) Conforming signs which comply with all provisions of this bylaw in its most recently amended form.
- (2) Prohibited signs, as specified in Section 10.4.B.
- (3) Non-complying signs are signs that were not lawfully erected subsequent to the adoption of this bylaw and as described in Section 7.1.2 of the Maynard Protective Zoning Bylaws.
- (4) Non-conforming signs as described in Section 7.1.1 of the Maynard Protective Zoning Bylaws.

K. Modification of Non-Conforming Signs.

- (1) Non-conforming signs which are enlarged, reworded, redesigned, replaced, or altered in any way including repainting in a different color or re-lettering, shall comply immediately with all provisions of this bylaw; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five (35) percent of the replacement value of the sign at the time of replacement shall not be repaired or rebuilt or altered except to conform to the requirements of this bylaw.
- (2) Existing non-conforming protected signs may remain, and may be altered with the exception of increasing their size, unless the cost of any such alteration shall exceed 50% of the replacement cost for a new conforming sign, or, if enlarged, reworded, redesigned, replaced or altered as provide in Section 10.4.K(1), above.

L. New Signs - Any sign erected after the adoption of this bylaw shall be considered a new sign and shall conform to the provisions of this bylaw as amended.

M. Removal of New Signs - The Building Commissioner shall order the removal of any new sign erected or maintained in violation of this bylaw. Fourteen days notice in writing shall be given to the owner of such sign, or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the bylaw.

10.5 RESIDENTIAL DISTRICTS

In Residential Districts only the following types of signs may be erected or placed.

A. Real estate sign advertising rental, lease, or sale of premises and not exceeding twelve (12) square feet in area.

B. Sign or bulletin board incidental to a permitted use and not exceeding twelve (12) square feet in area.

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C. Sign advertising accessory use and not exceeding four (4) square feet in area.

D. Temporary construction signs shall not exceed 16 square feet in area and shall not be left in place more than 14 days after the issuance of a Certificate of Occupancy, nor for a period of time exceeding 12 months.

E. Setback: The furthest edge of any freestanding sign shall be a minimum of five (5) feet from any lot line.

10.6 NON RESIDENTIAL DISTRICTS

A. Total Sign Area

(1) Lots:

a. In all Non-Residential Districts, the total area of all Wall Signs erected on a Lot shall not exceed twenty percent (20%) of the total first floor building(s) façade area. The first floor building façade area shall be calculated by multiplying the lineal frontage of a building or storefront by its total first floor or entrance level height.

b. Signs proposed in conjunction with a development requiring site plan approval may, by special permit, be increased in size to a maximum of twenty-five (25%) percent of the total first floor facade area as described in Section 10.6A.1a

(2) Individual Establishments:

a. In the Central Business District and the Downtown Overlay District, the maximum allowable total permanent sign area for each establishment shall be thirty (30) square feet, except as provided for in Section 10.6.C. In the Central Business District and the Downtown Overlay District, no individual permanent sign shall exceed sixteen (16) square feet/

b. In all other Non-Residential Districts, the maximum allowable total permanent sign area for each establishment shall be fifty (50) square feet, except as provided for in Section 10.6.C. In all other Non-Residential Districts, no individual permanent sign shall exceed twenty-four (24) square feet.

B. Principal Signs – No more than three principal signs shall be allowed for each business establishment. A principal sign may be a wall sign, a projecting sign, a free standing sign, a permanent banner or permanent sandwich board.

C. Secondary Signs - If a business establishment consists of more than one building, or if a building has secondary frontage on a street or parking area, a secondary sign may be affixed to one wall of each building or to the second side. Secondary signs shall not exceed sixteen (16) square feet.

D. Directories - Where there are three (3) or more businesses on a lot, or there are businesses without an entrance on the street frontage, a directory may be permitted for the purpose of traffic direction and control. The size of the directory shall not exceed nine (9) square feet plus one and one-half (1½) square feet per business establishment. Such a directory shall be included in the calculation of total permitted sign area for the lot.

E. Height. The maximum height of any portion of any free standing sign shall not be more than 15 feet above the average grade of the ground at the base of the sign prior to its' installation.

F. Setback.

(1) There is no setback requirement in the Central Business District.

(2) In all other Non-Residential Districts, the furthest edge of any freestanding sign shall be a minimum of fifteen (15) feet from any lot line.

10.7 GAS STATION SIGNS (Reserved)

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10.8 OUTDOOR DISPLAY OF GOODS AND MERCHANDISE (Reserved)

10.9 RELIEF FROM REGULATIONS

The Maynard Planning Board may grant relief from the provisions of Section 10 of these Zoning Bylaws as follows:

A. Specifically detailed through the granting of an approved Site Plan.

B. Specifically detailed through the granting of an approved Special Permit.

(1) Application for a Special Permit shall comply with the procedures specified in Section 12 of these By-Laws.

(2) The fee for a Special Permit which involves only signage and relief from this Section shall be identified in the Schedule of Fees as established by Appendix A-V.K of this Zoning Bylaw.

C. The Planning Board may not waive the requirements for clearance or projection distance for a Projecting Sign.

D. The Planning Board may not waive any requirements of the Massachusetts State Building Code, current edition.

E. Offsite Signage on town owned land: An applicant may apply for the installation of a sign on town owned land only through a special permit application with the Board of Selectmen acting as the Special Permit Granting Authority.

10.10 SEVERABILITY

If any section or sections or parts of any section of this by-law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect;

¹⁰⁸ Article 35: A.T.M. May 19, 1997

SECTION 11- EARTH REMOVAL¹⁰⁸

11.1 APPLICABILITY

Unless otherwise provided in this by-law, the removal of soil, loam, peat, sand, gravel, stone or other earth material (herein, the “material”) from any land shall be prohibited in all districts, except when such removal is incidental to and in connection with the authorized construction on such land of a building, street or other project for which a permit has been granted, or is incidental to utility or road construction authorized by the Maynard Department of Public Works. All removal operations regulated under the provisions of this by-law shall require the issuance of an Earth Removal Permit (herein, the “Permit”) prior to the commencement of any such operations.

11.2 EARTH REMOVAL PERMITTED WITHOUT SPECIAL PERMIT FROM THE PLANNING BOARD

- A. Earth removal is permitted without a special permit if such removal is at the site of, incidental to, and in connection with the excavation and grading necessary for the construction on any land involved in a Municipal purpose or use which is limited to 500 cubic yards of material.
- B. The building inspector shall, upon written request, authorize the removal of less than 500 cubic yards of Material, in the aggregate, for the duration of a particular construction project under the following conditions:
 - 1. A valid building permit shall have been approved and issued within the six months (6) period immediately preceding the date of request, for the land from which the material is to be removed; and
 - 2. Such removal is at the site of, incidental to, and in connection with the excavation and grading necessary for the construction authorized by said building permit; and
 - 3. A valid definitive subdivision Plan has been approved for the land from which the material is to be removed and such removal is necessary for the construction of streets, the installation of utilities, and the grading of lots in accordance with such approved Sub-division Plan.
- C. The moving of material within the limits of a lot or contiguous lots in the same ownership shall not be deemed to constitute removal, and no permit for such moving of material shall be required, provided that no such moving shall take place across or within a public way.

11.3 APPLICATION FOR SPECIAL PERMIT

Application for a Special Permit (herein, the “Application”) shall be filed with the Planning Board (herein, the “Board”) upon such forms as the Board shall provide, signed by (1) the record owner of the land and (2) (if applicable) any lessee, licensee, agent, subcontractor, or other party which will conduct the removal operation.

The Application shall be accompanied by plans, drawn to scale and specification prepared by a Registered Professional Civil Engineer or Registered Land Surveyor setting forth the following information:

- A. The specific area of land from which the material is to be removed (herein, the “Site:”) and, in addition all surrounding land within one hundred (100) feet of the Site (together, herein, the “Removal Area”); the proposed finish grade and final treatment of the premises shall be shown for the entire Removal Area; and

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- B. All lot lines bordering upon the Removal Area with a computation of the total area of the land included therein; existing or proposed buildings and improvements; elevation contour lines having intervals of not more than two (2) feet; and
- C. Soils logs indicating they type of material expected to be removed and the estimated amount thereof; and
- D. If applicable, the form of bond; and
- E. Such additional information as the Board may determine necessary or relevant to the proposed excavation.

11.4 HEARING NOTICE

A public hearing shall be held by the Board on all applications as provided in Section 11 of the Mass. Zoning Act. All expenses shall be paid by the applicant.

11.5 ISSUANCE OF SPECIAL PERMIT BY THE PLANNING BOARD

In determining whether to grant a special permit, the Planning Board shall consider the following:

- A. Whether the volume proposed for the removal exceeds the minimum practical amount required to accomplish the construction development or improvement in accordance with the plans thereof;
- B. Whether the plans submitted in connection with the removal are designed to minimize changes in existing contours and to enhance attractive land utilization, effective drainage, suitable road gradients, access, or other design considerations;
- C. Whether the Board and Chief of Police have approved the days and hours of operation, the route of trucks to be used on any public way for the removal of earth, the estimated duration of the operation, the types of vehicles to be used and proposed travel routes for such vehicles, the destination of all material, and the proposed treatment of land during operation to minimize dust, mud and siltation;
- D. Whether the removal will be detrimental or injurious to abutters or the neighborhood, either by alteration of existing topography or by substantial change in the use of the public ways in the neighborhood;
- E. Whether all applicable municipal permits and/or approvals have been obtained or are in the process of being obtained;
- F. Whether suitable provisions have been made for the stockpiling of material removed from the Site but not yet transported from the Removal Area. Such provisions shall include a condition imposed by the Board that, should stockpiled material remain within the Removal Area for a period exceeding thirty (30) days, such material must be re-deposited in the Site and the area of Stockpiling returned to its original condition; and
- G. Whether suitable provisions have been made for restoration of the Removal Area. Upon the expiration or withdrawal of a permit or upon the voluntary or involuntary cessation of earth operation for a period in excess of thirty (30) days, such provisions shall include but shall not be limited to the following:
 - 1. The Site and all other affected portions of the Removal Area shall be graded, leaving no slopes in excess of one (1) foot vertical to two (2) feet horizontal;

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2. Adequate surface drainage shall be provided;
3. Boulders shall be either buried or disposed of and stumps shall be disposed of in a manner satisfactory to the Planning Board;
4. The entire area shall be covered with not less than four (4) inches of topsoil; and
5. Adequate cover vegetation shall be planted; all conditions of restoration shall have been fully completed to the satisfaction of the Planning Board prior to release of any bond by the Planning Board.

If a permit is granted, the Planning Board shall impose limitations on the time and the extent of the permitted removal and such other appropriate conditions, limitations, and safeguards as the Board may deem necessary for the protection of the neighborhood and the public health, safety, convenience and welfare of the Town. The Planning Board shall require sufficient security, including necessary covenants, to ensure compliance with the terms, conditions, and limitations of the permit.

The concurring vote of all but one member of the Planning Board shall be necessary for the issuance of a permit.

11.6 ENFORCEMENT

This by-law shall be enforced by the Building Commissioner of the Town.

11.7 PENALTY

The penalty for violation of this By Law shall be as follows:

For the first offense:	\$ 50.00
For the second offense:	\$100.00
For each subsequent offense:	\$200.00

This provision may be enforced by the Building Commissioner pursuant to M.G.L. c. 40 §21D as set out in the Town of Maynard General By Laws.

Each separate calendar day, or part thereof, that a violation occurs or continues is considered a separate offense.

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

SECTION 11A - TRAILERS

11A.1

Trailer shall mean any vehicle which is drawn by or used in connection with a motor vehicle and which is so designed and constructed or added to by means of such accessories as to permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks, or other foundations. It shall include the type of vehicle commonly know as a mobile home, containing complete electrical plumbing, and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters.

11A.2

No trailer shall be placed upon any land, or used for dwelling or business purposes, within the Town except as hereinafter provided:

- A. The Board of Appeals may issue a permit to store not more than one trailer per lot in a garage, other accessory building or in the rear yard of a lot occupied by the owner of the trailer.¹⁰⁹
- B. The Board of Appeals may authorize the use of a trailer for dwelling purposes or as a temporary office only if such uses are incidental to construction of a building on the premises or development of the premises. Such authorization may be granted for a period not exceeding twelve (12) consecutive months, subject to approval of safeguards to insure proper sanitation. In no case shall such authorization be renewed for more than six (6) consecutive months.
- C. The Board of Appeals may issue not more than one permit per calendar year to an owner of a lot for the occupancy of such lot for dwelling purposes by a guest owned trailer.¹¹⁰

Such permit may be issued for a period not to exceed two weeks.

¹⁰⁹ Article 58: A.T.M. April 1978

¹¹⁰ Article 59: A.T.M. April 1978

SECTION 12 - ADMINISTRATION AND ENFORCEMENT¹¹¹

12.1 ADMINISTRATION, ENFORCEMENT

12.1.1 BUILDING COMMISSIONER

There shall be a Building Commissioner and an Alternate Inspector of Buildings, appointed by the Board of Selectmen. The Building Commissioner shall serve for an initial term of three years. The Alternate Inspector of Buildings shall serve for an initial term of two (2) years. Thereafter appointees to either position shall serve two (2) year terms.

All references within the provisions of this By-law to the Building Commissioner or the Zoning Officer shall incorporate by reference both the Building Commissioner and the Alternate Inspector of Buildings.

12.1.2 Pursuant to G.L.c.40A, §7, the Building Commissioner and the Alternate Inspector of Buildings shall serve as the zoning enforcement officers ("Zoning Officers"). If the Zoning Officer is informed or has reason to believe that any provision of this By-law is being violated, he shall make or cause to be made an investigation of the facts and inspect the property where such violation may exist.

If upon such investigation and inspection he finds evidence of such violation, he shall give notice thereof in writing to the owner and occupant of said premises and demand that such violation be abated within such time as the Zoning Officer deems reasonable. Such notice and demand may be given by mail, addressed to the owner at his address as it then appears on the records of the Board of Assessors and to the occupant at the address of the premise.

If after such notice and demand the violation has not been abated within the time specified therein, the Zoning Officer shall institute appropriate action or proceedings in the name of the Town to prevent, correct, restrain, or abate such violation of this By-law.

If the Zoning Officer is requested in writing to enforce this By-law against any person allegedly in violation of the By-law, he shall notify in writing the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within fourteen days of receipt of such request.

Before any court proceeding is initiated to enforce the provisions of this By-law, the Building Commissioner shall inform the alleged violator of his right to appeal any decision of the Building Commissioner to the Board of Appeals.

12.1.3 BUILDING PERMITS

Applications for building permits, and certificates of occupancy shall be filed with the Building Commissioner on forms furnished by him.

The Building Commissioner shall issue no permit for the erection, enlargement, alteration, or change in use of any building or part thereof, unless plans and specifications and intended use are in all respects in conformity with the provisions of this By-law and comply with the Massachusetts Building Code.

No lot, building, or structure shall be changed in size or use so as to violate the provisions of this By-law. The Building Commissioner shall adopt reasonable rules and regulations governing the method of application for and issuance of such permits.

12.1.4 CONFORMING TO SUBSEQUENT AMENDMENTS

¹¹¹ Article 34: A.T.M. May 19, 1997

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Construction on or use of property under a building permit shall conform to any subsequent amendment of this By-law unless the use or construction is commenced within a period of six months after the issuance of the building permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

12.2 PENALTY

Anyone who violates a provision of this By-law, or of any condition of a variance, special permit, or site plan, shall be punishable by a fine of \$200 for each offense, except that the penalty for the removal of earth material in violation of this By-law shall be as provided in subsection 11.7.

Each separate calendar day, or part thereof, that an unlawful occupancy, construction, or use of land or structures thereon occurs or continues is considered a separate offense.

Each calendar day, or part thereof, that land or structures thereon shall be occupied or used, for the purpose authorized by a variance, special permit, site plan, or other provision of this By-law, during which time the person so occupying or using fails to comply with all of the restrictions and conditions imposed by the terms of such variance, special permit, site plan, or other provision of the By-laws, shall be considered a separate offense.

The Building Commissioner may enforce the provisions of this By-law pursuant to the Town's Non-Criminal Civil Disposition by-law as set out in the Town of Maynard General By-laws.

12.3 BOARD OF APPEALS

The Board of Selectmen shall appoint a Board of Appeals of five members and two associate members who shall serve without remuneration and shall act on all matters within its jurisdiction. No member of the Planning Board shall also serve as a member of the Board of Appeals.

12.3.1 APPEALS

The Board of Appeals shall hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L.c.40A, §7, by the regional planning agency in whose areas the Town is situated, or by any person, including an officer or board of the Town or of any abutting city or town aggrieved by an order or decision of the Building Inspector.

Such appeal shall be taken within thirty days from the date of the order or decision being appealed, by filing three copies of a notice of appeal, specifying the grounds therefor, with the Town Clerk. The Town Clerk shall forthwith transmit said copies to the officer or board whose decision is being appealed, and to the Board of Appeals. The Board of Appeals shall hold a hearing on any appeal within 65 days of the filing, shall properly serve notice of such hearing, and shall render its decision within 100 days of the filing.

12.3.2 VARIANCES

A petition for a variance shall state the section, paragraph or line of this By-law from which the variance is sought, what would need to be provided to comply with this By-law, what the petition proposes in specific terms, and the difference between what is required and what is proposed.

The applicant shall be responsible for filing in the Registry of Deeds, or where applicable, the Land Court of the Commonwealth, a copy of the Board of Appeals' decision granting a variance. Prior to the issuance of a building permit, the applicant shall present evidence of such recording to the Building Inspector.

12.3.3 PROCEDURES FOR APPEALS AND VARIANCES

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The procedures for an appeal brought under paragraph 12.2.1 or for a petition for a variance filed under 12.3.2 shall follow the procedure set out in G.L.c.40A, §15.

12.4 SPECIAL PERMITS

12.4.1 The Board of Appeals and the Planning Board shall be the special permit granting authorities as specified in the various section of this By-law and shall hear and decide applications for special permits.

The Planning Board, when acting as a special permit granting authority, shall consist of the five members and one associate member, who shall be appointed by a combined vote of the Board of Selectmen and the Planning Board, and when designated by the chairman of the Planning Board, shall sit on the board for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board, or in the event of a vacancy on the Board. The associate member shall be appointed for a three-year term of office.

12.4.2 The Special Permit Granting Authority (SPGA) may, in its discretion, grant a special permit for a use, building, structure, modification of dimensional standards, or other activity where this By-law specifically refers to a change from the provisions of this By-law by the granting of a special permit and only in those cases where the SPGA makes the finding and determination set forth in Subsection 12.4.3.

12.4.3 FINDING AND DETERMINATION

Prior to granting a special permit, the SPGA shall make a finding and determination that the proposed use, building, structure, modification of dimensional standards, or other activity, which is the subject of the application for the special permit:

- a. complies with such criteria or standards as may be set forth in the section of this By-law which refers to the granting of the special permit;
- b. is consistent with: 1) the general purposes of this By-law as set forth in Section 1.1, and 2) the more specific objectives and purposes applicable to the requested special permit which may be set forth elsewhere in this By-law; and
- c. is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area.

Where the SPGA determines that one or more of the following objectives are applicable to the particular application for a special permit, the SPGA shall make a finding and determination that the applicable objective(s) will be met:

- d. the proposed use, structure, or activity will not constitute a demonstrable adverse impact on the surrounding area resulting from:
 - 1) excessive noise, level of illumination, glare, dust, smoke, or which are higher than levels now experienced uses permitted in the surrounding area,
 - 2) emission or discharge of noxious or hazardous materials or substances,
 - 3) pollution of water ways or groundwater.

12.4.4 CONDITIONS FOR APPROVAL OF A SPECIAL PERMIT

In addition to the conditions, standards and criteria as may be set forth in the section of this By-law that refers to the granting of the special permit, the SPGA may impose additional conditions and limitations, as it deems necessary to insure that the finding and determination that it must make under subparagraph 12.4.2 is complied with, including but not limited to:

- A. screening structures or principal and accessory uses from view from adjoining lots or from a street, by landscaping, plantings, walls, fences, screening, or other devices;
- B. limitations on the size, number of occupants or employees, method or hours of operation, extent of facilities or other operating characteristics of a use;
- C. regulation of the number, design and location of access drives or other traffic features of the proposed use;

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- D. provisions of a greater number of off-street parking spaces;
- E. limitation on the number, location, type and size of signs or illumination or modification of the design features thereof;
- F. limitation on construction activities, such as but not limited to, the hours during which construction activity may take place, the movement of trucks or heavy equipment on or off the site, measures to control dirt, dust, erosion and to protect existing vegetation on the site;
- G. requirements for independent monitoring, at the expense of the applicant, and reporting to the Building Commissioner if necessary to insure continuing compliance with the conditions of a special permit or of this By-law; and
- H. such other limitation as may be reasonably related to reducing any adverse impact on, or increasing the compatibility of the proposed use, structure or activity with, the surrounding area.

12.5 PROCEDURES FOR SPECIAL PERMITS

12.5.1 APPLICATION PROCEDURES

The SPGA may adopt additional rules relative to the issuance of special permits and shall file a copy with the Town Clerk. The rules shall prescribe a size, form, contents, style, and number of copies of plans and specifications and the procedure for submission and approval of such permits.

12.5.1.2 ACCEPTANCE OF APPLICATION

Upon the original submittal of an application to the Town Clerk and the SPGA, the application shall be considered to be conditionally accepted pending review of its contents. Within 14 days of the original submittal, the SPGA, or its designee, shall determine whether the application is complete. The determination that an application is complete means that the required plans, maps, studies, analyses, exhibits and other documents have been submitted and is not a determination that the proposed use, building, or development complies with the Zoning By-law and does not relieve the applicant of the obligation to do so.

An application which does not contain any of the material required by the Rules of the SPGA shall be considered incomplete, shall not be considered to have been filed and shall not be accepted for processing. If an application is determined to be incomplete, the SPGA or its designee, shall notify the Town Clerk and the Applicant in writing that the application is incomplete setting forth the reasons for that determination and that the application is not considered to have been filed.

If the application is considered to be complete, or if the applicant and the Town Clerk are not notified that the application is incomplete within 14 days, the application shall be considered to be completed as of the date originally filed.

If a revised application is submitted, it shall be considered to be a new application and shall be subject to the same procedure and determination as to completeness as are set forth above and to the same time periods as if it were a new application.

The time periods set forth in this By-law and G.L.c.40A, §9, during which the SPGA shall notify parties in interest, hold a public hearing, and issue a decision will not start until the application, or revised application, is considered to be complete.

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12.5.3 PUBLIC HEARING

The SPGA shall hold a public hearing on the application, as provided in G.L.c.40A, §9, within 65 days after the filing of an application which has been determined to be complete and, unless the time period is extended, shall take final action on an application within 90 days after the hearing.

12.5.4 EXTENSION OF TIME OF ACTION

The period within which final action shall be taken may be extended for a definite period by mutual consent of the SPGA and the applicant. The extension shall be in writing and filed in the Town Clerk's office.

12.5.6 DECISION OF SPGA

The SPGA may grant, grant with conditions, deny, or grant a leave to withdraw an application for a special permit. A decision to grant, or grant with conditions, shall cite the specific section of this By-law which refers to the granting of a special permit and shall incorporate by reference the plans which have been filed with the application.

The SPGA decision shall be in writing and shall, pursuant to section 12.4.3-12.4.4, contain detailed findings and reasons which support the grant of the special permit. If the SPGA refuses to grant a special permit the written decision need only include adequate findings and reasons in compliance with G.L.c.40A, §15. A copy of the decision shall be filed with the Town Clerk and the Planning Board, when it is not the SPGA, and shall be furnished to the applicant.

An applicant is not entitled to a special permit and the SPGA, in its discretion, may decline to grant it if the SPGA is unable to make a positive finding and determination as required in subparagraph 12.4.3.

No special permit, nor any extension, modification or renewal thereof shall take effect until a copy of the decision bearing the certification of the Town Clerk is recorded in the Registry of Deeds.

The applicant shall be responsible for filing in the Registry of Deeds or, where applicable, in the Land Court, a copy of the decision of the SPGA granting a special permit. Prior to the issuance of a building permit, the applicant shall present to the Building Commissioner evidence of such recording.

12.5.7 REVISION, MODIFICATION OF SPECIAL PERMIT

After a special permit has been granted by the SPGA, minor revisions in the plan may be made in accordance with applicable law, by-laws, and regulations, but the use or development approved under such special permit shall otherwise be in accordance with the plans. The developer shall notify the SPGA in advance of any such revision which shall not be effective until approved by a vote of the SPGA.

If the SPGA determines such revisions not to be minor, it shall order that an application for a modified special permit be filed, and a public hearing be held in the same manner as set forth in subsection 12.5.3.

12.6 LAPSE OF SPECIAL PERMIT

A special permit shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

12.7 SECURITY FOR SPECIAL PERMITS

The SPGA, as a condition of granting a special permit may require that the performance of the conditions and observance of the safeguards of such special permit be secured by one, or in part by one and in part by the other, of the methods described in the following clauses. The SPGA shall administer this securing of performance.

- A. Bond or Deposit By a proper bond or a deposit of money or negotiable securities, sufficient in the opinion of the SPGA to secure performance of the conditions and observance of the safeguards of such special permit. The form of the security shall be reviewed and approved by Town Counsel and Town Treasurer.

- B. Covenant By a covenant running with the land, executed and duly recorded by the owner of record, whereby the conditions and safeguards included in such special permit shall be performed before any lot may be conveyed other than by mortgage deed. Nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant of the entire parcel of land, the development of which is governed by the special permit.

12.7.1 REDUCTION OF SECURITY

Until completion of the development the sum of any deposit or security held under clause a) above may from time to time be reduced by the SPGA by an amount not to exceed 85% of the value of work originally estimated.

12.7.2 RELEASE OF SECURITY

Upon the completion of the development or upon performance of the conditions and safeguards imposed by such special permit, security for the performance of which was given, the applicant shall send by registered mail to the SPGA an affidavit that the conditions and safeguards in connection with which such security has been given have been completed.

If the SPGA determines that the conditions and safeguards of the special permit have been complied with, it shall release the interest of the Town in such security, return or release the security to the person who furnished the same, or release the covenant by appropriate instrument, duly acknowledged. If the SPGA determines that the conditions or safeguards included in the special permit have not been complied with, it shall specify the conditions or safeguards with which the applicant has not complied in a notice sent by registered or certified mail, to the applicant.

12.7.3 SPGA FAILURE TO ACT

If the SPGA fails to send such a notice within sixty days after it receives the applicant's affidavit, all obligations under the security shall cease and terminate, any deposit shall be returned and any such covenant become void

12.7.4 APPLICANT FAILURE TO COMPLETE WORK

Upon failure of the applicant to complete such work to the satisfaction of the SPGA and in accordance with all applicable plans, regulations, and specifications, the Town shall be entitled to enforce such bond or to realize upon such securities to the extent necessary to complete all such work without delay.

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

SECTION 13 - VALIDITY

13-1 The validity of any section or provision shall not invalidate any other section or provision hereof.

SECTION 14 - SITE PLAN APPROVAL¹¹²

14.1 APPLICABILITY^{113, 114}

- A. For the purposes of this section,¹¹⁵ Site Plan Approval, the Site Plan Threshold shall be defined as any Development, which in the opinion of the Building Commissioner meets any or all of the following criteria:
1. Proposed resumption of a use discontinued for more than two consecutive years.
 2. Change of Use.
 3. In the Central Business District, any exterior alteration of a building or structure, except for signs, or the expansion of the footprint of a building or structure.
 4. In all Districts, except for the Central Business District, an expansion of the footprint of a building or structure that is 10% of the existing footprint, or 1,000 square feet, whichever is less.
 5. Is located in the Water Supply Protection District, Section 17.3.
 6. Affects traffic patterns, traffic intensity, lighting or pedestrian access.
 7. In the Central Business District, affects parking layout and/or parking requirements as provided in Section 16.
 8. In all Districts, except the Central Business District, affects parking layout and/or parking requirements as provided in Section 16 by 5% of the parking currently provided, or 5 spaces, whichever is less
- B. For the purposes of this section, the Planning Board of the Town of Maynard shall be the Site Plan Approval authority¹¹⁶. Site Plan Approval shall be required in the following circumstances:
1. All new non-residential uses and structures and all new uses and structures requiring a Special Permit, as provided in Section 2.3.
 2. All other Development for non-residential uses or uses requiring a Special Permit, as provided in Section 2.3, which, in the opinion of the Building Commissioner, meet the Site Plan Threshold criteria under Section 14.1.A. Upon a determination by the Building Commissioner that a proposed Development requires Site Plan Approval, a request for review of the Building Commissioner's determination may be filed with the Planning Board. In conducting such review, the Planning Board shall consider the request at a meeting after written notice is given to abutters by certified mail, return receipt requested, at least seven days prior to the meeting. The Planning Board may determine that Site Plan Approval is not required where the Planning Board finds that such action is in the public interest and not inconsistent with the Zoning By-Laws.
- C. For any development requiring Site Plan Approval and for any use requiring a special permit for which Site Plan Approval also is required, all building permits, occupancy permits and any other related permit or approval shall be issued subject to compliance with the terms and conditions of the approved Site Plan related to such Development or use, as provided in Section 14.

¹¹² Article 20: S.T.M. October, 1998

¹¹³ Article 6: S.T.M., May 16, 2006 (amended)

¹¹⁴ Article 4: S.T.M., October 16th, 2006

¹¹⁵ Article 11: S.T.M., October 27th, 2008

¹¹⁶ Article 11: S.T.M., October 27th, 2008

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14.2 CONTENTS AND SUBMITTAL

- A. All Site Plans shall show, among other things, all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, service areas and other open uses; all facilities for sewage, refuse and other waste disposal, and for surface water drainage, and all landscape features (such as fences, walls, planting areas and walks) on the lot.
- B. Drainage calculations shall be submitted, which detail the peak rates of runoff for the 2, 10 and 100 year storms for both Pre-Development and Post-Development conditions. In addition, the calculations should show the volume of runoff leaving the site for each storm under Pre and Post-Development conditions.
- C. No site plan shall be submitted to the Planning Board for approval unless it is accompanied by one of the following:
 - 1. A determination from the Conservation Commission that the provisions of Chapter 131, Section 40; as amended, are not applicable to the land in question; or
 - 2. Written evidence that a notice of intent as provided in Chapter 131, Section 40 as amended, has been filed with the Maynard Conservation Commission.
- D. ¹¹⁷Fifteen (15) copies of the site plan shall be distributed by the Applicant to municipal boards and departments as follows: six (6) copies to the Planning Board, two (2) copies to the Conservation Commission, One (1) copy to the Department of Public Works, one (1) copy to the Board of Health, one (1) copy to the Chief of the Fire Department, one (1) copy to the Board of Selectmen, one (1) copy to the Chief of the Police Department, one (1) copy to the Town Clerk to keep on file, one (1) copy to the Building Inspector.
- E. ¹¹⁸All expenses for advertising, engineering, professional planning, design, traffic or other consultants that, in the opinion of the Planning Board, may be necessary for the review of all plans, recording and filing of all plans and documents, all other expenses including, but not limited to administrative, legal, inspection or other fees in connection with, or for said Site Plan shall be borne by the applicant. An escrow account for payment of expenses shall be required prior to the review of site plan, if deemed necessary by the Planning Board.
- F. ¹¹⁹The Applicant shall have the right to an appeal from the selection of an outside consultant to the Board of Selectmen. Said appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications, all in accordance with Mass General Law Chapter 44 Section 53G.

14.3 SITE PLAN REVIEW REGULATIONS

The Site Plan Review Regulations are located in their entirety in Appendix A¹²⁰.

14.4 REVIEW CRITERIA

- A. Each Agency, Board or Individual to which said site plan is referred for review shall make such recommendations as are deemed appropriate and shall send copies thereof to the Planning Board and to the Applicant; provided however, that failure of any such board, agency or individual to make recommendations within thirty five (35) days of receipt by such board, agency, individual of the site plan shall be deemed lack of opposition thereto.

¹¹⁷ Article 28: A.T.M May 17,2004

¹¹⁸ Article 16: S.T.M. October 28, 2002

¹¹⁹ Article 16: S.T.M. October 28, 2002

¹²⁰ Article 6, S.T.M., October 29, 2007

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- B. In reviewing the site plan, the Planning Board and each board shall consider, among other things, the following:
1. Protection of adjoining premises and general neighborhood from detrimental use of the lot.
 2. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent street, properties or improvements.
 3. Adequacy of the methods of disposal for sewage, refuse and other wastes and of the provisions for control and retention of storm water runoff so as not to cause a down stream flooding in the 100 year storm, nor to discharge to down stream properties at a peak rate for the 2- and 100- year storms to exceed the peak rate of discharge for those same storms under current conditions. To the extent feasible, the volume of runoff should also be balanced for the 2- and 10- year storms.
 4. The design criteria for underground drainage conveyancing systems (pipes, manholes, discharge structures), if required, and shown on all site plans shall, as a minimum, be the 25-year storm, unless the 100- year storm is required under M.G.L. Chapter 131, Section 40, or the regulations by the Conservation Commission and/or the Board's consultant.
 5. Provisions of off street loading and unloading of vehicles incidental to the servicing of the building and related uses of the lot.
 6. Adequacy of all other municipal facilities relative to fire and police protection, and other municipal services to meet the needs of the residents housed on the site.

C. Design Review¹²¹

The purposes of Design Review are to assure overall high standards of design for downtown buildings, preserve and enhance the architectural integrity and character of Maynard's existing building stock, to promote a high quality of architectural design in new construction that complements Maynard's historic downtown, and to maintain coherence and harmony with the existing buildings in the immediate area and the neighborhood that exhibit historic and/or high quality design features that the Board determines meets the best of area architecture.

When conducting Site Plan Review, the Planning Board shall also conduct a Design Review of the proposed project in light of the purposes of this section set forth above, the General criteria set forth below, and the standards set forth in the Planning Board's Site Plan Review Regulations. A design review will be required only in the Central Business, the Business, Downtown Overlay¹²² and Healthcare/Industrial Districts.

For any proposed development in the Business District subject to Site Plan Review that is not also within the Downtown Overlay District¹²³, the applicant may submit as part of the Site Plan application a request for a waiver from Design Review. The following criteria shall be considered as part of the Design Review waiver request: proximity to the downtown and proximity to existing, historical buildings.

The determination of coherence and harmony with existing buildings in the area/neighborhood shall be made by the Planning Board based on information supplied by the applicant, as required in Section A.V.B. "Buildings" of the Site Plan Review Regulations of the Town of Maynard.

General review criteria are:

¹²¹ Article 20: S.T.M., October 16th, 2006

¹²² Article 6: S.T.M., May 22nd, 2007

¹²³ Article 6: S.T.M., May 22nd, 2007

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1. The review of design features to determine the quality and appropriateness of proposed design changes for downtown Maynard, and particularly in relation to the fine, old historic buildings, shall include, but shall not be limited to, a review of the following features: Facades, exterior walls and details; rear and back sides of buildings; windows, doors, and entryways; materials and colors; central pedestrian-scale features; awnings, canopies, and marquees; lighting fixtures and function; specific storefront features; building systems; signage; landscaping and screening; overall mass and proportion; and the relationship to nearby buildings sidewalks, and streets of the building proposed to be built or altered.

2. In conducting Design Review, the Planning Board shall use the following landmark buildings in the downtown area as examples of buildings that effectuate the purposes and exhibit the design features that this Section 14.4.C is intended to promote:
 - a. The Case Building at 22-26 Nason St.
 - b. The former Assabet Savings Bank building at 17 Nason St.
 - c. The Masonic Building at 100 Main St.
 - d. The building located at 1 Nason Street (currently - Oct. 2006 - occupied by The Boston Bean House)
 - e. Buildings 1-8 of the Mill at Clock Tower Place)

In determining appropriateness of whether a particular project's design meets the purposes of this Section 14.4.C, the Planning Board shall follow the design guidelines included in the Board's Site Plan Review Regulations.

SECTION 15 - FLOOD PLAIN DISTRICT REGULATIONS

15.1 FLOOD PLAIN DISTRICT

The flood plain district is herein established as an overlay district and includes all special flood hazard areas designated as Zone A, A1-30 of the Maynard Flood Insurance Rate Maps (FIRM) and the flood boundary and floodway maps, dated June 15, 1979 on file with the Town Clerk, Planning Board and Building Commissioner. These maps as well as the accompanying Maynard Flood Insurance Study are incorporated herein.

15.2 DEVELOPMENT REGULATIONS

The following requirements apply in the flood plain district:

- A. Within Zones 1-30, all new construction and substantial improvements (the cost of which equals or exceeds 50% of the structure) or residential and non-residential structures shall have the lowest floor, including basement and cellar, elevated to or above the base flood elevation (the 100 year flood elevation designated by the (FIRM) or in the case of non-residential structures be flood-proofed watertight to the base flood level.
- B. Within Zone A, where the base flood elevation is not provided on the (FIRM) the applicant shall produce any already existing reasonable base flood elevation data and it shall be used to meet the requirements of 15.2.A, above.
- C. Where watertight flood-proofing of a structure is permitted, a registered professional engineer or architect shall certify to the Building Commissioner that the methods used are adequate to withstand the flood depths, pressures and velocities, impact and uplift and other factors associated with the 100 year flood.
- D. In the floodway, designated on the flood boundary and floodway map, the following provisions shall apply:
 1. Prohibit encroachments, including fill, new construction, substantial improvement, and other development unless certification by a registered professional engineer or architect is provided by the applicant demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the 100 year flood.
 2. If Section 15.2.D.1 above is satisfied, all new construction and substantial improvements shall comply with all provisions of section 15.2.¹²⁴

¹²⁴ Article 47: A.T.M. April 23, 1979

SECTION 16 - PARKING STANDARDS¹²⁵

16.1 DEFINITIONS

For the purpose of this section, the following terms shall have the following meanings:

- A. Access Driveway (or Throat) - The travel lane that allows motor vehicles ingress from the street and egress from the site and includes the area between the sidelines of the street to the area within the lot.
- B. Interior Driveway - A travel lane located within the perimeter of a parking lot which is not used to directly enter or leave parking spaces. An interior driveway shall not include any part of the access driveway.
- C. Maneuvering Aisle - A travel lane located within the perimeter of a parking lot by which motor vehicles directly enter and leave parking spaces.
- D. Parking Stall Length of Line - The dimension of the stall measured parallel to the angle of parking.
- E. Width of Parking Stall - The linear dimension measured across the stall and parallel to the maneuvering aisle.

16.1A SPECIAL PERMIT GRANTING AUTHORITY (SPGA)¹²⁶

For the purposes of Section 16 of these Zoning Bylaws, unless otherwise noted, the Planning Board shall be the Special Permit Granting Authority.

16.2 GENERAL PROVISION

No building or structure shall be located upon any lot and no activity shall be conducted upon any lot unless the required parking facilities are provided in accordance with this section.

- A. CHANGE OF USE – The use of any land or structure shall not be changed from a use described in one section of the Schedule of Uses to a use in another section of the schedule nor shall the floor area of a building be increased in any manner unless the number or parking spaces required for the new uses are provided.
- B. UNDETERMINED USES - In the case where the use of a building or buildings has not been determined at the time of application for permit or special permit, the parking requirements applicable to the most intensive use allowed in the zoning district where such undetermined use is to be located shall apply.
- C. RELIEF FROM PARKING STANDARDS¹²⁷ - Under this section, relief from Parking Standards may be granted via Special Permit by the SPGA. The following shall apply when requesting relief from specific standards in Section 16 of these Zoning Bylaws:

¹²⁵ Article 15: S.T.M. November 14, 1988

¹²⁶ Article 4: S.T.M., May 22nd, 2007

¹²⁷ Article 4: S.T.M., May 22nd, 2007

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- 16.3C Schedule of Uses: The SPGA may grant relief from the schedule of uses according to the following rule: The maximum amount of parking reduction that may be allowed is 10% of the total proposed parking or 10 spaces, whichever is greater.
- All other standards: Unrestricted relief may be granted by the SPGA.

In evaluating the Special Permit request, the SPGA shall use the following review criteria in addition to the criteria identified in Section 12.4 of these Zoning Bylaws:

1. A demonstration by the applicant to the satisfaction of the SPGA that there is no possible way to provide the parking required, or that doing so would 1) render the project infeasible (including the shared parking option), and 2) that a lack of compliance will not adversely affect either the use proposed (and its users) or the parking situation downtown.

16.3 SCHEDULE OF PARKING USES - GENERAL REQUIREMENTS

A. COMPARABLE USE REQUIREMENTS

Where a use is not specifically included in the Schedule of Uses, it is intended that the regulations for the most nearly comparable use specified shall apply.

B. MIXED USE REQUIREMENTS AND SHARED PARKING¹²⁸

The use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged, and allowed through site plan approval.

Parking requirements for a proposed development may be met if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other generally accepted studies).

A request for shared use parking to meet minimum parking requirements must be made through the site plan review application

C. SCHEDULE OF USES

- | | |
|--|--|
| 1. Single Family two-family and Multi- Family Dwelling | Two spaces per each dwelling unit |
| 2. Home Occupation | Two spaces and where non-residents are employed or where retail sales are conducted, the Board of Appeals shall have the authority under Section 3.2 to require the number of parking spaces which it deems to be adequate and reasonable. |
| 3. Hotel , Inn or Motel Space | One space for each bedroom plus one space for each employee on the largest shift. |
| 4. Educational | One space for each staff position plus one space for each five persons of rated capacity of the largest auditorium plus one space for each student vehicle which can be expected at the maximum use time on the premises. |
| 5. Nursing Home, Convalescent Home, and Clinics and Health Care facilities providing In-Patient medical services. ¹²⁹ | One space for each two beds plus one space for each employee on the largest shift. |
| 7. Business or Professional Offices, Office Building, and Office of a Wholesale Establishment including Sales Space. | One space for each 225 square feet of gross floor area. |

¹²⁸ Article 4: S.T.M., May 22nd, 2007

¹²⁹ Article 15: S.T.M. November 14,1994

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- | | | |
|--------------------|--|--|
| 8. | Restaurant with seating,
Lounge or Club, Lounges ,
Theater, Funeral Home | One space for each three seats, plus one space for each employee on the largest shift. |
| 9. | Function rooms and places of Assembly. | One space for each 50 square feet of Assembly area |
| 10. | Medical and Dental Offices and Clinics and Clinics providing In-patient medical services. ¹³⁰ | One space for each 200 square feet of gross floor area. |
| 11. | Motor Vehicle service station, or body shop. | Three spaces for each service bay plus one space for each employee on the largest shift. |
| 12. | Research and Development | One space for each 300 square feet of gross floor area excluding permanent storage, areas, utility areas, staircases, restrooms and common corridors. |
| 13. | Manufacturing | One space for each 450 square feet of gross floor area. |
| 14. | Warehouse | One space for each 2000 square feet of gross floor area for the first 20,000 square feet, plus one space for each additional 10,000 square feet of gross floor and one space per employee on the largest shift |
| 15. ¹³¹ | Elderly Housing or
Medically Assisted Housing | One space for every two dwelling units plus one space for each employee on the largest shift. |

¹³⁰ Article 15: S.T.M. November 14,1994

¹³¹ Article 15: S.T.M. November 14,1994

16.4 DESIGN

A. DESIGN INTENT

Parking areas shall be arranged to provide an adequate, safe and convenient arrangement of roadways, driveways, off street parking and loading spaces and pedestrian facilities. Parking areas containing more than five (5) parking spaces shall meet the dimensional standards specified in Section 16.5. Parking plans shall be submitted sufficient for the Building Inspector to determine if the proposed layout properly complies with these standards.

B. DIMENSIONS

All parking spaces shall meet the minimum geometric standards prescribed in Section 16.5. No portion of any parking space shall intrude into the required aisle width. Parking lots shall be designed to permit each motor vehicle to proceed to and from all unoccupied parking spaces without requiring the moving of any other parked motor vehicle. Spaces shall be designed to prevent motor vehicles from backing onto a public street in order to leave the lot.

C. COMPACT CAR PARKING

In parking facilities containing more than 40 parking stalls, 20 percent of such parking stalls may be for small car use, except for retail store, retail service business or restaurant uses. Such small car parking facilities shall be grouped in one or more contiguous areas and shall be identified by sign (s)

D. DESIGN REQUIREMENTS FOR PARKING FACILITIES

1. Central Business District - All parking shall be located behind buildings, to preserve the sidewalk storefront character of this district.
2. Required parking spaces, loading areas and driveway shall be provided and maintained with suitable grading, paved surfaces and adequate drainage. No parking space or other paved surface, other than access driveway(s) or walkways, shall be located within 20 feet of the front lot line or within 10 feet of any other lot line. Notwithstanding the foregoing, no parking space or other paved surface, other than access driveway (s) walkways, shall be located within the limits of a landscape buffer area required under Section 16.9.
3. Each lot shall have one access driveway, which shall be at least 24 feet wide at its narrowest point but not more than 40 feet wide at its widest point. Each lot shall have one additional access driveway for each 200 feet of frontage provided all such access driveway (s) shall be at least 200 feet apart on the lot measured from the center line of each access driveway. In the case of an access driveway which shall be used for one-way traffic only, the minimum width may be reduced to 14 feet at its narrowest point.
4. The access driveway design standards for horizontal and vertical geometry shall be comparable to public streets of similar function. The parking area should have a minimum slope of 0.75% and a maximum of 5%. Shared access easements shall be considered to minimize the number of access driveways on the same side of the street.
5. Interior driveways may be reduced to no less than a 20 foot width for two-way traffic and a 14 foot width for one-way traffic. The stacking area (throat storage) for the access driveway shall be between 25 and 50 feet long between the right of way line and the interior driveway depending on the site use.
6. The intersection curb radius shall be 25 feet or larger depending on the type of service vehicles entering the site. Internal radius shall be a minimum of 10 feet in the maneuvering aisle.
7. Pedestrian walks shall not be blocked by parking.

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8. Raised landscape end islands shall be required at the end of all parking aisles. Raised landscape dividers shall be required every third row. Light posts shall be part of the raised landscape islands and dividers and not located in the middle of the pavement.
9. Lighting shall be designed to complement and enhance the intended use. Lighting shall be directed such that it is non-intrusive in cases where it may be deemed a nuisance to abutting property.

16.5 DIMENSIONAL REQUIREMENTS

A. Standard Parking Dimensional Regulations - Off street parking facilities shall be laid out and striped in compliance with the following minimum provisions:

<u>Angle of Parking</u>	<u>Width of Parking Stall</u>	<u>Parking Stall Length of Line</u>	<u>Width of Maneuvering Aisle</u>
90 degrees (two-way)	9.0'	18.5'	24'
60 degrees (one-way)	10.4'	22.0'	18'
45 degrees (one-way)	12.7'	25.0'	14'
Parallel (one-way)	8.0'	22.0'	14'
Parallel (two-way)	8.0'	22.0'	18'

B. Small Car Parking Dimensional Regulations - Off street small car parking facilities shall be laid out and striped in compliance with the following minimum provisions:

<u>Angle of Parking</u>	<u>Width of Parking Stall</u>	<u>Parking Stall Length of Line</u>	<u>Width of Maneuvering Aisle</u>
90 degrees (two-way)	8.5'	5.0'	24'
60 degrees (one-way)	9.8'	18.5'	18'
45 degrees (one-way)	12.0'	21.5'	14'
Parallel (one-way)	8.0'	18.0'	14'
Parallel (two-way)	8.0'	18.0'	18'

16.6 HANDICAPPED PARKING

Parking facilities shall provide specifically designated parking spaces for the physically handicapped in accordance with 521 CMR Rules and Regulations, as amended, of the Architectural Barriers Board as follows:

<u>Total Number of Spaces</u>	<u>Handicapped Spaces</u>
6-25	One Space
26-40	Two Spaces
41-100	5% of the total spaces
101-300	4% of the total spaces
301-800	3% of the total spaces
<u>Greater than 800</u>	2% of the total spaces

Handicapped spaces shall be clearly identified by a sign that states that these spaces are reserved for physically handicapped persons. Such spaces shall be located in that portion of the parking facility nearest the entrance to the use or structure which the parking facility serves. Handicapped spaces shall have a minimum width of

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twelve (12) feet and a minimum depth of twenty (20) feet for all angle parking and twenty-four (24) feet for all parallel parking.

16.7 LOADING AREAS

One or more off street loading areas shall be provided for any business that may be regularly serviced by tractor-trailer trucks or other similar delivery vehicles, so that adequate areas shall be provided to accommodate all delivery vehicles expected at the premises at any one time. Loading areas shall be located at either the side or rear of each building and shall be designed to avoid traffic conflicts with vehicles using the site or vehicles using adjacent sites. Loading areas shall be 12 feet wide and 50 feet long. The Building Inspector may authorize loading areas with reduced dimensions provided the service vehicles normally associated with the business do not require the dimensions herein.

16.8 CONSTRUCTION

All access driveways and off street parking and loading areas shall be paved with nine inches of gravel base and two and one half inch layers of bituminous concrete, or equivalent reinforced concrete. All parking spaces shall be designated with a four inch white or yellow stripe painted the entire length of each space. The surface shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks. The access ways shall have construction requirements similar to an equivalent public road. Curbing shall be vertical concrete, or vertical or sloped granite curbing with a six-inch reveal. Curb radii shall be vertical concrete or granite with a six-inch reveal.

16.9 LANDSCAPING

All parking areas shall be properly screened and landscaped to protect adjacent property from undesirable effects of parking lots such as lighting and view of cars, and to preserve the appearance and character of the surrounding neighborhoods.

- A. The entire front setback area, except for driveways, shall be landscaped and there shall be a landscaped strip at least five (5) feet in width from other property lines.
- B. Excluding the areas required by Section 16.9.A. above, the landscaped area within the parking lot shall not be less than five (5) percent of the surface area of the parking lot, except for parking lots with two bays or less of single rows, no interior landscaping shall be required. Areas provided for interior landscaping shall be a minimum of ten (10) feet in width.
- C. A minimum of two (2) trees shall be provided within the landscaped areas for each ten (10) parking spaces. Existing trees and natural vegetation shall be retained wherever practicable in addition to the addition of new trees, shrubs, walls or fences in order to effectively screen the parking lot.

16-10 PARKING IN THE HEALTH CARE / INDUSTRIAL DISTRICT¹³²

Section Deleted

¹³² Article 3: S.T.M. March 26, 2001

SECTION 17 - AQUIFER PROTECTION BY-LAW¹³³

17.1 PURPOSE

The purpose of the water supply district is to protect public health, safety and welfare by preventing contamination of and preserving the quality of groundwater and surface water supplies that provide the current and potential potable water supply for the Town of Maynard.

17.2 DEFINITIONS

For the purpose of this section, the following definitions are used:

Aquifer- Geological formation composed of rock or unconsolidated materials or a part of a formation that is capable of yielding a significant amount of ground water.

Drinking water supply- Groundwater or surface water currently in use or which may reasonably be in use in the future as a source of public or private water supply.

Ground water- Water below land surface in a zone of saturation.

Hazardous Material - Any substance included in the Massachusetts Oil & Hazardous Materials List, 310 CMR 40.900 Appendix I, as amended from time to time.

Hazardous Waste - Any material for which disposal is regulated in 310 CMR 30.00, the Massachusetts Hazardous Waste Regulations.

Impervious Surface- Material covering the ground, including but not limited to macadam, concrete, asphalt, buildings, that does not permit water to penetrate the soil.

Maximum Groundwater Elevation- The seasonal high level of the groundwater table. This level shall be the same as the maximum groundwater elevation defined and determined in 310 CMR 15.00 (Title 5, Subsurface Disposal of Wastewater)

Mining of Land- The removal or relocation of top soil, sand, gravel, metallic ores or bedrock.

Radioactive Materials- Any materials having an activity that exceeds the limits set forth in Appendix B, Table II of 10 CFR Part 20.

Small Quantity Generator- A person or business that generates regulated recyclable chemical wastes or non-acutely hazardous wastes in quantities below those stipulated for Small Quantity Generator designation and that complies with all regulations in 310 CMR 30.351 (1) through (11).

Solid Waste - Municipal and commercial refuse, including refuse, construction debris, garbage, sludge, and recyclable materials but not including brush, vegetative compostable materials and tree stumps.

Special Permit Granting Authority¹³⁴- For the purpose of this Section 17 of these Zoning Bylaws, unless otherwise noted, the Planning Board shall be the Special Permit Granting Authority.

Very Small Quantity Generator- A person or business that generates regulated recyclable chemical wastes or non-acutely hazardous wastes in quantities below those stipulated for Very Small Quantity Generator designation and that complies with all regulations in 310 CMR 30.353 (1) through (11).

¹³³ Article 25: A.T.M. May 16 & 17, 1994

¹³⁴ Article 10, S.T.M., May 20th, 2008

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17.3 Delineation of Water Supply Protection District

The Water Supply Protection District is herein established to include all lands in the Town of Maynard or under the jurisdiction of the Town of Maynard for water protection that

- A. Lie within Zone 1 or Zone 2 as defined in 310 CMR 24.06 (2) (a) and (b), Massachusetts Drinking Water Regulations. [Zone 1 consists of land within a 400 foot radius of an existing public water supply well. Zone 2 consists of that portion of an aquifer that contributes water to the well under the most severe recharge and pumping conditions realistically anticipated based upon pumping tests conducted by a qualified engineer or hydrologist, and approved as a designated Zone 2 by the Massachusetts Department of Environmental Protection (DEP). In the absence of an approved Zone 2, the Interim Wellhead Protection Area (IWPA) as shown on the most recent Massachusetts GIS map may be substituted for Zone 2]
- B. Lie within 100 feet of any surface water supply used by the Town, for public water supply.
- C. Lie within 100 feet of the lot line of any private residence not supplied by the public water system (however, this provision does not include any private residence that has access to public water but has not elected to connect to the public water supply), or
- D. Within a 400 foot radius of the limits of any area designated for future water supply wells based upon reasonable anticipated need and a hydro-geological survey.

The Planning Board of the Town of Maynard shall provide a map designating the Water Supply Protection District as of June 30, 1994, and shall update this map as necessary from time to time.

17.4 APPLICABILITY

- A. The Water Supply Protection Districts shall be considered as overlying other Zoning Districts.
- B. The applicability of Section 17 to existing users or structures and to projects legally begun at the time of the adoption shall be governed by Section 1.2, Existing Non-conforming Buildings and Premises.
- C. The Provisions of Section 17 shall not apply to the installation , operation , or maintenance of conveyances, structures, facilities, or devices necessary for the operation of public or private water supplies, public waste water facilities, public storm water, private wastewater facilities, constructed and operated in conformance with 310 CMR 15.00, and public electric or natural gas lines.

17.5 USE REGULATIONS

Within the Water Supply Protection District, the requirements of the underlying districts continue to apply, except that uses are prohibited as indicated in Section 17.5.1 and require a special permit as indicated in Section 17.5.2, even where underlying district requirements are more permissive. Within the Water Supply Protection Districts, these regulations shall apply:

17.5.1 PROHIBITED USES

- A. Solid waste disposal facilities, including without limitation , landfills, junk yards, salvage yards, and any other facilities that require a site assignment from the Board of Health under MGL c.111 §150A, and under regulations adopted by the Department of Environmental Protection under 310 CMR 19.00
- B. Within Zone 1, all underground or above ground storage of petroleum products, including without limitation gasoline, diesel fuel , heating oil (nos. 2,4,5, or 6), waste oil, aviation fuel, kerosene, or

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other petroleum distillate is prohibited, with the exception of residences served by private wells, which maintain No. 2 heating oil in above ground or basement storage on their property. Within Zone 2 or the IWPA, above ground storage of petroleum products in existing structures is permitted with a special permit, in quantities not to exceed 600 U.S. gallons. Storage of a heating oil tank within a basement is considered to be above ground storage for the purpose of these regulations if

1. The basement has a concrete or other impervious floor,
2. It is possible to inspect the tank without entering a confined space,
3. All sumps in the basement are equipped with a stopper or valve that will control discharge, and
4. Total capacity is less than 600 U.S. gallons

All above ground and basement containers maintained under this provision must be on a concrete or other impervious pad with asphalt, concrete or earthen berm that will contain a spill from the tank equal to the volume of the tank.

“All underground tanks in Zone 2 must be tested in accordance with the requirements set forth in 527 CMR 9.00, Tanks and Container Regulations of the Board of Fire Prevention, by July 1, 1996. These tanks must be removed if they fail testing, and must be replaced by above ground tanks. Non-conforming above ground or basement tanks must be brought into compliance with the provisions of Section 17.5.1.B.1 through 4. by July 1, 1996. All owners of above ground tanks within Zone 2 must apply for a Special Permit before July 1, 1966”.

- C. Storage of road salt or other de-icing chemicals (such as Urea) in quantities greater than for normal household use.
- D. Stockpiling or disposal of snow or ice containing road salt or other de-icing chemicals that have been collected outside of the Water Supply Protection District. Snow or ice removed within the District may be stockpiled at the road curb.
- E. Within Zone 2 or the IWPA, on site recycling or treatment of hazardous wastes, including without limitation chemical wastes, radioactive wastes, waste oils, and infectious wastes in quantities that exceed the Very Small Quantity Generator limits for each waste. All such on site recycling or treatment of hazardous wastes are prohibited in Zone 1.
- F. Within Zone 1, manufacture, use, storage, or generation of toxic or hazardous materials as an integral part of a principal activity, but excluding domestic activities, and non-commercial agricultural operations. Within Zone 2 or the IWPA, only those operations that meet Small Quantity Generator or Very Small Quantity Generator criteria may operate by special permit.
- G. Within zone, commercial agricultural operations that use pesticides, herbicides, chemical fertilizers, or manure. These activities are permitted in zone 2 or the IWPA with a special permit.
- H. Commercial hazardous waste treatment, storage and disposal facilities.

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17.5.2 USES PERMISSIBLE BY SPECIAL PERMIT

The following uses are permissible by Special Permit upon review of operating plans, and subject to conditions set forth for each specific application. Failure to comply with the terms and conditions set forth in a special permit shall be grounds for revocation of said permit.

- A. Within Zone 2 or the IWPA, above ground fuel storage tanks that meet the criteria in 17.5.1 (b).
- B. Within Zone 2 or the IWPA, operations that generate hazardous waste below Small Quantity generator or Very Low Quantity Generator limits may operate under special permits.
- C. Within Zone 2 or the IWPA, commercial agricultural operations.
- D. Within Zone 2 or the IWPA, commercial mining of land.
- E. Within Zone 2 or the IWPA, commercial, industrial, and community facility uses requiring site plan review to prevent compaction and siltation, loss of recharge, exfiltration from sewer pipes and contamination by oils, chemicals, nutrients, or other adverse impact on the Water Supply Protection District.
- F. Within Zone 2 or the IWPA, parking lots and vehicle rental agencies.
- G. Within Zone 2 or the IWPA, any uses with more than 10,000 square feet of impervious service.
- H. Within Zone 2 or the IWPA, any use otherwise permitted as of right or by special permit that requires a permit under

The National Pollutant Discharge Elimination System permit program established pursuant to 33 USC1342

The Surface Water Discharge Permit Program established pursuant to MGL c 21 § 43, or

The Groundwater Discharge Permit Program established pursuant to MGL c 21 § 43.

- I. All structures constructed within zone 1 require a special permit.

17.6 CRITERIA FOR APPROVAL BY THE SPECIAL PERMIT GRANTING AUTHORITY

In addition to the notice otherwise required by this By-Law, the Special Permit Granting Authority shall give written notice of an special permit application within the Water Supply Protection District to the Planning Board, the Board of Health, and to the Conservation Commission and request a report and recommendation from each. After notice and a public hearing, the Special Permit Granting Authority may grant such a permit provided that it finds that the proposed use:

- A. Is in harmony with the purposes and intent of this Section 17 and will promote the purposes of the Water Supply Protection District,
- B. Is appropriate to the natural topography, soils, and other characteristics of the site to be developed,
- C. Will not, during construction or thereafter, have an adverse environmental impact on any water body, groundwater supply, or water course in the District, and
- D. Will not adversely affect the quality or quantity of any existing or potential water supply.

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If the Planning Board, the Board of Health, or the Conservation Commission, within 14 days of the Special Permit Granting Authority's request for comments, opposes the granting of the Special Permit or recommends conditions or limitations on the permit, the Special Permit Granting Authority must either

- A. Follow such recommendations or,
- B. State in writing as part of its findings the reasons for not allowing such recommendations.

17.7 SITE PLAN APPROVAL

The provisions of Section 14, Site Plans, shall apply to all uses requiring a Special Permit under Section 17.5.2.

17.8 DESIGN AND OPERATION STANDARDS

- A. ABOVE GROUND TANK OPERATING STANDARD - Provisions shall be made to ensure that each above ground tank installed within the Water Supply Protection District pursuant to these regulations shall meet the following operational criteria:
 - 1. Is constructed on a concrete pad, concrete floor (basement tanks), or other impermeable surface,
 - 2. Is surrounded by a berm or other containment structure that will contain 110 percent of the contents of the largest tank within the structure, and,
 - 3. In the case of a basement tank, provisions have been made to prevent discharge of any leakage from the tank to a basement sump or other discharge structure.
- B. UNDERGROUND TANK OPERATIONS STANDARDS – All underground tanks installed within the Town shall comply with State Board of Fire Protection regulations (527CMR 9.00) and with any other regulations governing underground tanks that may be promulgated by the Massachusetts DEP from time to time.
- C. SAFE GUARDS – Provisions shall be made to adequately protect against toxic or hazardous materials discharge or loss through corrosion, accidental damage, spillage, or vandalism through such measures and provisions for spill control in the vicinity of chemical or fuel delivery points, secure storage areas, for toxic and hazardous materials, and indoor storage provisions for materials that are water soluble or that may corrode.
- D. DISPOSAL – No disposal of hazardous materials is permitted within the Water Supply Protection District.
- E. FILL – Fill materials used within the Water Supply Protection District shall contain no solid wastes, toxic or hazardous materials, or hazardous wastes. The SPGA may require testing of soils by Massachusetts DEP-certified laboratory at the applicant's expense prior to granting a Special Permit to fill within the district.
- F. SOIL CONTAINMENT - For industrial and commercial uses within Zone 2 or the IWPA, an emergency response plan to prevent contamination of soils or water in the event of accidental spills or discharges of toxic or hazardous materials shall be submitted to the SPGA if requested. The SPGA may request that the Fire Chief or other Town Official review said plan.
- G. MONITORING - As a condition of granting a Special Permit, the SPGA may request that applicants who propose certain uses that, in the opinion of the SPGA based upon recommendations from the Department of Public Works, the Board of Health, and/or the Conservation Commission, constitute potential threats to the water supply must submit a monitoring plan and conduct periodic monitoring. This monitoring may include the installation and maintenance of groundwater monitoring wells at locations specified by the Department of Public Works, and analysis for parameters to be determined by the Town. All costs of well installation and monitoring shall be the responsibility of the applicant.

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- H. ON-SITE RECHARGE – All storm water runoff from impervious surfaces shall be recharged on site unless in conducting site plan review it is determined by the SPGA or others that recharge is not feasible because of site conditions or is not recommended because of storm water quality. Such recharge shall be by surface infiltration through vegetated surfaces unless otherwise approved by the SPGA during site plan review. If dry wells or leaching basins are approved for use, design shall incorporate oil, grease, and sediment traps prior to infiltration. Drainage from loading areas shall be collected separately from storm water runoff in closed loop systems. This drainage may be discharged to the storm sewer or through infiltration only after laboratory analysis. Contaminated runoff shall be disposed of in accordance with 310 CMR 30.
- I. GRADE REDUCTION – Soil overburden shall not be lowered to finish exterior grades less than five feet above the maximum ground water elevation as determined by deep hole observation unless technical evidence can be provided satisfying the SPGA that ground water quality or quantity will be affected. Technical evidence may include without limitation a determination of soil and hydro-geologic conditions where low permeability will mitigate infiltration.

17.9 NOTICE OF VIOLATIONS

Notice of any violations of this section shall be given by the Building Inspector to the responsible person within forty eight (48) hours of detection of a violation or a continuing violation. Notice to the assessed Owner of the property shall be deemed notice to the responsible person. Such notice may be verbal, and shall be confirmed in writing within five working days. Such notice shall specify the nature of the violation, and the specific requirement or prohibition violated. The violation may also identify actions necessary to remove or remedy the violation, preventive measures for avoiding future violations, and a schedule of compliance. A copy of such violation notice shall be submitted to the Building Inspector, the Planning Board, and the Conservation Commission, and the Fire Chief. The cost of correcting the violation shall be borne by the Owner or operator of the premises. For situations that require immediate remedial action to prevent adverse impact to the water resources within the Water Supply Protection District, The Town of Maynard, the Building Inspector, the Board of Health the Department of Public Works, or any of their agents may order the Owner or operator of the premises to remedy the violation immediately. If said Owner or operator does not comply with the order, the Town or any of it's Officers or Agents, may take actions necessary to remedy the violation and recover any and all costs of such actions from the Owner and/or operator. For the purposes of this section, "immediately" shall mean within 24 hours.

In the event of any discharge or disposal within the Water Supply Protection District requiring a report to the Massachusetts Department of environmental Protection within 2 hours or 72 hours as specified in 310 CMR 40.0000 subpart C (310 CMR 40.0311 through 40.03114, the Town may make such notification if the responsible party fails to do so.

17.10 PENALTIES

Any violation of this section shall result in a fine not to exceed \$300 per violation, with each day during which a violation continues considered to be a separate violation. The SPGA and/or the Building Inspector shall levy the fine. Under the provisions of this section, both the Owner of the property on which the violation occurs and the operator of the activity that results in the violation may be fined.

17.11 SEVERABILITY

In the event that any sub section for Section 17 is determined to be invalid, the remaining sub sections shall be considered valid and in force.

SECTION 18 - ADULT ENTERTAINMENT BY-LAW¹³⁵

18.1 PURPOSE

To regulate the establishment of all forms of Adult Entertainment, including but not limited to Adult Bookstores, Adult Motion Picture Establishments, Adult Entertainment Establishments, Adult Paraphernalia Stores, and Adult Video Stores (collectively, "Adult Entertainment Uses") within the Town of Maynard (the "Town") by Special Permit, pursuant to M.G.L. Ch. 40A 9A, in order to promote the safety and welfare of the inhabitants of the Town

18.2 DEFINITIONS

As used in this By-Law, the following words and terms shall have the following meanings:

- A. **ADULT BOOKSTORE** – An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement, as such terms are or may be defined in M.G.L. Ch. 272 § 31, as amended from time to time.
- B. **ADULT MOTION PICTURE THEATER** – An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement, as such terms are or may be defined in M.G.L. Ch. 272 § 31, as amended from time to time.
- C. **ADULT PARAPHERNALIA STORE** – An establishment having as a substantial or significant portion of its stock, devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement, as defined in M.G.L. Ch. 272 § 31, as amended from time to time.
- D. **ADULT VIDEO STORE** – An establishment having a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. Ch. 272 § 31, as amended from time to time.
- E. **OBSCENE ENTERTAINMENT** - All Adult Entertainment Uses noted herein, including establishments which display live nudity for their patrons and all other activities defined as "obscene" in M.G.L. Ch. 272 § 31, as amended from time to time.
- F. **SPECIAL PERMIT GRANTING AUTHORITY** – The Maynard Board of Selectmen.
- G. **OTHER TERMS** - All other terms used herein and defined in M.G.L. Ch. 272 § 31, as amended from time to time, shall have the same meaning in the context of this By-Law as in said chapter.

18.3 RESTRICTIONS

- A. Except as permitted in the manner and in the locations permitted herein, All Obscene Entertainment, including, without limitation, all Adult Entertainment Uses that make available obscene materials, is prohibited within the Town.
- B. An Adult Entertainment Use may not occur or be located within 600 feet of any other Adult Entertainment Use or within 600 feet of;

¹³⁵ Article 10: S.T.M. October 29,1996

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1. Any Residential, Garden Apartment or High Rise zoning District;
 2. Any private or public school or place of learning including but not limited to, kindergarten and day care centers;
 3. Any Church, Temple, or other place of worship;
 4. Any playground or athletic fields; and
 5. Any establishment licensed under the provisions of M.G.L. Ch. 138 § 12;
 6. Any building, structure or area used for public purposes; and
- C. Any boundary line of the Town
- D. No merchandise or service prohibited as obscene or indecent but not encompassed by the definition of Obscene Entertainment shall be disseminated or made available within the Town, except as permitted herein.
- E. No pictures, publications, videotape covers, or other implements, items, advertising or lettering that fall within the definition of Obscene Entertainment or that are erotic, prurient, related to sadism, sexual exploitation or which refer to or describe any of the above shall be displayed in store windows or be visible from areas used by the general public;
- F. The restricted activities described herein specifically include the dissemination or offering to disseminate Adult Entertainment materials to minors, and allowing minors to view displays in any Adult Entertainment Use Establishment;
- G. No Special permit may be issued to a person convicted of violating the provisions of M.G.L. Ch. 119 § 63, as amended from time to time, or M.G.L. Ch. 272 § 28, as amended from time to time;
- H. Any existing Adult Entertainment Use shall be permitted to exist after the adoption of the by-law, but any expansion, increase, change or alteration in such use shall first require a Special Permit under this by-law.

18.4 APPLICATIONS

Adult Entertainment Uses are permitted only within an Industrial Zoning District of the Town, subject to the restrictions of Section 3 of this By-law, subject to the reasonable regulations imposed by the Special Permit Granting Authority, and subject to any and all other provisions of the Maynard Protective Zoning By-law and the Planning Board permit process, including, without limitation, Site Plan Review. Special Permits applied for hereunder may be obtained only upon application for a special permit in accordance with the following procedures:

- A. Any applicant for permission to operate an Adult Entertainment Use must file an application form (approved by the Special Permit Granting Authority) with the Special Permit Granting Authority and the Town Clerk. Such application shall contain information required by the rules and regulations established by the Special Permit Granting Authority for the issuance of Special Permits hereunder and shall include but not be limited to, the following minimum information:
1. Name, business address and legal residence of the legal Owner of the Adult Entertainment Use, together with certified copies of all organizational documents, such as articles of organization and by-laws, or trusts, or partnership documents.
 2. Name and address of all persons having any direct or in-direct ownership, equity or security interest in the Adult Entertainment Use;
 3. Name and Address of the Manager;
 4. The number of proposed employees;
 5. Proposed security precautions; and
 6. Physical layout of the premises owned or proposed to be leased for the Adult Entertainment Use, in a format established by the Special Permit Granting Authority.

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- B. The Special Permit Granting Authority shall hold a public hearing on any application for a special permit for an Adult Entertainment Use within 65 days of the filing of such application with the Special Permit Granting Authority. Notice of said public hearing shall be given by publication or posting, as provided in M.G.L. Chapter. 40A § 11, and by mailing to all abutters of the premises, abutters to such abutters, churches or schools within 1500 feet of the premises proposed for such use and to any other person who requests in writing receipt of such notice.
- C. The Special Permit Granting Authority shall act on said application within 90 days following the date said public hearing is closed. The procedure for holding said public hearing and for preparing and filing a Notice of Decision shall be the same as for the granting of special permits under the Maynard Protective Zoning by-law and the applicable Sections of M.G.L Ch. 40A.
- D. Failure by the Special Permit Granting Authority to take final action upon a Special Permit application within 90 days following the date said public hearing is closed shall be deemed to be a grant of the Special Permit.
- E. Special Permits issued by the Special Permit Granting Authority hereunder shall require a two thirds (2/3) vote of all members of the Special Permit Granting Authority if composed of more than five (5) members; a vote of at least four (4) members of a five (5) member Special Permit Granting Authority; and a unanimous vote of a three (3) member Special Permit Granting Authority.
- F. A Special Permit granted under this by-law shall lapse within six (6) months of issuance, including the time required to pursue or await the determination of any appeal allowed under M.G.L. Ch. 40A § 17, if a substantial use thereof has not sooner commenced (except for good cause) or, in the case of a permit for construction, if construction has not begun within such six (6) month period (except for good cause). The Special Permit Granting Authority may limit the duration of any Special Permit and may impose conditions on any Special Permit allowing an Adult Entertainment Use.

18.5 RULES AND REGULATIONS

In addition to the requirements of Section 4 of this By-law, The Special Permit Granting Authority shall adopt and may from time to time amend, rules and regulations relative to the issuance of Special Permits hereunder, and shall file a copy of said rules and regulations in the office of the Town Clerk. Such rules and regulations shall prescribe the size, form, content style and number of copies of plans and specifications to accompany the application; the information required in the application; the procedure for submission of applications and approval of such Special Permits; and other reasonable rules and regulations governing the issuance of such Special Permits.

18.6 CRITERIA FOR APPROVAL

In considering a Special Permit hereunder, the Special Permit Granting Authority shall insure that any proposed Adult Entertainment Uses are at all times consistent with and conform to the then existing community standards for such uses within the Town, and the Special Permit Granting Authority shall have jurisdiction over all Adult Entertainment Uses, notwithstanding the issuance or denial of a Special Permit hereunder.

APPENDIX A - SITE PLAN REVIEW REGULATIONS

A-1 INTRODUCTION

The procedures identified in this appendix supplement Section 14 of the Zoning By-Law and outlines procedures and minimum submission requirements for Site Plan review. This procedure is conducted in accordance with Massachusetts General Laws Chapter 40A, Sections 9 and 11.

A-II CONDITIONS REQUIRING SITE PLAN

Site Plan Applicability may be found in Section 14.1 of these Zoning Bylaws.

If inappropriate or unnecessary to particular applications, applicant may request a waiver of strict compliance to these regulations when submitting an application for Site Plan Review.

A-III SITE PLAN REVIEW PROCEDURE

The procedures and forms for Site Plan Review may be found in Appendix V of the Maynard Protective Zoning Bylaws.

A-IV RULES AND REGULATIONS - SITE PLAN REVIEW

These rules and regulations are adopted in accordance with and for the purpose of implementing Section 14 of the Maynard Zoning By-Law.

A-V SITE PLAN DETAILS

Each application shall be accompanied by a Site Plan showing the entire tract or area under consideration for development. The following information shall be submitted on all Site maps and in writing where appropriate:

A. General

1. Date of Site Plan. All revisions shall be noted and dated.
2. Title of Development, north arrow, scale, block and lot number, name and address of record owner, name and address, license number and seal of person preparing Site plan. If the owner of record is a corporation, the name and address of the president and secretary shall be submitted with the application.
3. A scale of 1-20', 1-40' or 1-80' whichever is appropriate to the size of the proposal. All distances shall be in feet and decimals of a foot and all bearings shall be given to the nearest ten seconds. The error of closure shall not exceed one in ten thousand.
4. The names of all owners of record of all adjacent property, and the block and parcel number of the property (within 300 feet of all property lines shown on the locus to be developed or altered).
5. Zone boundaries shall be shown on the Site Plan as they affect the parcel. Adjacent zone districts within 200 feet shall also be indicated. Such features shall be shown on a separate map or as a key map on the detail map itself.
6. Boundaries of the property and lines in existing street, lots, reservations, easement and areas dedicated to public use, including grants, restrictions and rights-of-way.
7. Key map showing the location of the tract with references to surrounding areas and existing street intersections.
8. All distances as measured along the right-of-way lines of existing streets abutting the property to the nearest intersection with any other public street.
9. Existing contours with intervals of two feet where the slopes are more than three (3) percent but less than fifteen (15) percent, and five (5) feet when fifteen (15) percent or more, referred to U.S. Coast and Geodetic data are to be indicated by a dashed line Where any changes in contours are proposed, finished grades should be shown as solid lines.

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10. Location of existing buildings, which shall remain, and all other existing structures such as walls, fences, culverts, bridges, roadways, etc., with spot elevations of such structures to be removed shall be noted on plan "To Be Removed."
11. All structures or significant changes in topography within 50' of all property lines.
12. All calculations necessary to determine conformance to By-Law.
13. Acreage of tract to nearest tenth of an acre.
14. Place for signatures of the Planning Board on all plans and/or documents to be approved by the Planning Board.
15. Such other information as may be required to show that the details of the Site Plan are in accordance with applicable requirements and standard of the Zoning By-Law.

B. Buildings

1. The proposed use or uses of land and buildings and proposed location of buildings including proposed grades. Total floor space of all buildings shall also be indicated by square footage.
2. The location, housing type, and density of land use to be allocated to parts of the site to be developed.
3. Layout of proposed buildings or structures including elevations plan.
4. Sketches as appropriate to indicate the visual impact on the Community.
5. Location of signs.

C. Utilities

1. Location of all existing storm drainage structures and utility lines whether publicly or privately owned with pipe sizes, grades and direction flow, and if and existing utility lines are underground, the estimated location of said already underground utility lines be shown.
2. Location of all electric, telephone and other utilities.
3. Location of fire alarm and terminal boxes.
4. The location of all proposed water lines, valves and hydrants and all sewer lines or alternate means of water supply or sewage disposal and treatment in conformance with the applicable standards of The Town of Maynard and for the appropriate utility company.
5. Location of all existing drainage within 500 feet of any boundary and all areas such as paved areas, grassed areas, wooded areas and all other surface area contributing to the drainage.
6. The proposed location, direction of illumination, intensity and time of proposed outdoor lighting.

D. Traffic and Parking

1. All means of vehicular access for ingress and egress to and from the site onto public streets showing the size and location of driveways and curb cuts including possible organization of traffic channels, acceleration and deceleration lanes, additional width and any other device necessary to prevent difficult traffic situations.
2. The location and design of any off-street parking areas or loading areas showing size and location of bays, aisles, barriers and proposed plantings. The total ground coverage by structures and impervious surfaces shall be identified and measured.
3. All proposed streets with profiles indicating grading; and cross-sections showing width of roadway, location and width of sidewalk according to the general standards and specifications of The Town of Maynard.

E. Open Space - Maintenance

1. The location and size of any common open space.
2. All proposed Easements.
3. A proposed screening and landscaping and planting plan, which plan shall include details of types of plantings.

F. Other Requirements

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1. The developer shall also confer with the U.S. Post Office concerning postal delivery arrangements as they relate to the proposed development.
2. Unless the Planning Board determines that such placement is not feasible or is not in the best interest of the Town, all electric, telephone and other utilities shall be placed underground.
3. Fire alarm and terminal boxes shall be installed for the fire alarm system in accordance with the standard specifications of the Fire Department.
4. Water and sewer systems shall be laid out to the satisfaction of the Department of Public Works and the Maynard Planning Board.
5. Proposed storm water drainage system is to conform with designs based on a 50-year storm record.
6. Drainage systems shall be laid out to the satisfaction of the Planning Board acting on the recommendation of the Department of Public Works.
7. A circulation study both within the site and as it may affect the surrounding areas including estimates of total automotive trips generated, peak hour demand, present and anticipates traffic volumes, exiting street capacities and other elements which may influence and be influenced by the development may be required as determined by the Planning Board.
8. The form of organization proposed to own and maintain any common open space shall include provisions which recognize the right of the Town of Maynard to enforce the maintenance of common open space in reasonable order and condition and to assess the property owners for the costs of such maintenance in the failure of the organization to maintain the common open space. Such assessment shall become a lien on the properties.
9. A copy of any covenants, deed restriction or expectation that are intended to cover all or any part of the tract must be presented.
10. A survey prepared by a licensed surveyor of the Commonwealth of Massachusetts shall accompany the Site Plan and shall show the boundaries of the parcel and the limits of all proposed streets, recreation areas, and other property to be dedicated to public use.
11. Copies of all existing or proposed agreements by which private roads shall be maintained and plowed, refuse collected, and other supplementary services are to be provided.
12. The Applicant must comply with all requirements of all state, federal and local boards, commissions or other agencies, including but not limited to, the Building Inspector, Fire Department, Board of Public Works, Conservation Commission, Police Department, Zoning Board of Appeals, Board of Appeals, and By-Laws of the Town of Maynard. Applicant shall recognize the concerns of abutters in conducting any activity on or near the Site. All blasting shall be conducted in accordance with Massachusetts General Laws Chapter 148 and 527 Code of Massachusetts Regulations Section 13.01 et. seq. All blasting at the site shall be conducted under conditions established by the Planning Board.
13. Any modification to the Site Plan itself or to the Site Plan Approval which the Board, in its sole discretion, determines to be "substantial", shall require a public hearing. Modifications to the Site Plan or to the Site Plan Approval which are deemed by the Board to be "not substantial" may be granted by the Board at a duly posted public meeting of the Board; such modification may be granted following written application by the Applicant or by the Board on its own initiative.
14. Any structures upon the Site shall be maintained in a manner consistent with good fire protection practices and any use of the Site shall also be consistent with good fire protection practices. The Applicant shall not be entitled to a building permit until the Board receives notification from the Fire Chief for the Town of Maynard that he is satisfied with the water supply to the Site for fire protection.
15. The Applicant shall maintain all ways to the Site and parking areas on the Site in good repair. All ways, parking areas and sidewalks in, on or near the Site shall be maintained free of snow or other accumulation year round, including access to all hydrants and fire fighting equipment. No snow accumulation that will obstruct the view for vehicular traffic either on the Site or at any intersection contiguous to the Site shall be permitted. All seeded or planted areas shall be neatly maintained by the Applicant.
16. All utility work on the Site, including but not limited to paving or road reconstruction related to the installation of such utilities, shall be done to specification of the Board of Public Works.

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17. No debris or pollutants shall be discharged into the drainage system. All drainage systems shall be maintained in good repair and working order by the Applicant, subject to periodic inspection by the Board of Public Works or its agent.
18. The Applicant shall complete street lighting and landscaping in accordance with the Plan.
19. A trash disposal system for the Site, acceptable to the Board of Health, shall be provided by the Applicant. There shall be no obligation on the part of the Town to remove or provide for the collection or deposit of any refuse material from the Site.
20. All buildings and individual units will be clearly numbered and lettered, in accordance with By-Laws of the Town.
21. During construction, portable sanitary toilets shall be provided for the work force in the Site.
22. All expenses of the Board relating to this Site Plan Approval, including but not limited to advertising, engineering, and professional planning review of all plans, recording and filling plans and documents, and all other expenses in connection with or for or related to said plans shall be borne by the Applicant, and such expenses shall be fully paid prior to the issuance of this Site Plan Approval.
23. As applicable, policies of the Board of Selectmen, Fire Department, Department of Public Works, Conservation Commission, Board of Health and other Town Departments concerning the design and installation of project facilities shall be followed.
24. The Board may release any structure, lot or lots from the terms and conditions of this Site Approval upon the following terms:
25. Performance by the Applicant of all required condition shown on the Plan, in accordance with the provisions of G.L. Ch.4 1, Sec. 8 I U; or;
26. Acceptance by the Board of a certified check, a passbook savings account, a negotiable term certificate, or any combination of the above sufficient in the opinion of the Board to secure performance (within a suitable time period) of the construction of ways and the installation of the municipal services on the Site required for the structure, lot or lots to be released, and the recording of certificate executed by a majority of the Board with the applicable Registry of Deeds releasing such structure, lots or lots from this Site Plan Approval.
27. The Applicant shall execute and deliver to the Board a covenant, which shall be recorded and shall run with the land. Such covenant shall be sufficient to secure compliance by the Applicant with the Plan.

G. Additional Provisions for Phased Developments

1. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which each section of the development may be started must be submitted.
2. In the case of Cluster Residential Housing or Planned Residential District applications, which are being phased over a period of time, the Planning Board may accept a preliminary Site Plan covering only part of the land to be developed. A preliminary Site Plan covering only part of the land shall be accompanied by a general Site Plan submission which will be sufficient to determine the relationship of plans for one part of the development to the overall concept for the total land area.
3. In the case of a phased development, suitable security such as items listed in paragraph 24(b) above (acceptable to the Planning Board) to assure that each phase shall be brought to completion shall be required.
4. All preliminary Site Plans and general Site Plans previously approved by the Planning Board shall be resubmitted each time a new part or section is submitted for approval.

H. Preparation of Site Plan

A Site Plan shall be prepared by a registered professional engineer, registered land surveyor, landscape architect or architect for general locations. For topographical and boundary survey information, the Site Plan shall be signed and sealed by a licensed land surveyor. For all elements of design, which shall include drainage, pavements, curbing, walkways, embankments, horizontal and vertical geometry, utilities and all pertinent structures, drawings shall be signed and sealed by a

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Registered Professional Engineer. Such plans shall conform to the standards of all other pertinent Boards and Departments prior to submission.

I. Endorsement

After approval by the Planning Board and subject to satisfaction of any conditions of approval, a mylar or linen print of all approved plan maps shall be submitted for signature and filing and all information appearing thereon shall be in black India ink.

J. Site Plan Approval Recording Requirements

1. Within 90 days of the close of the public hearing, the Site Plan Approval signed by the Planning Board (the "Board") will be filed with the Town Clerk and will become a public record.
2. Upon conclusion of a twenty (20) day appeal period after filing with Town Clerk, and before requesting a building permit, the Applicant must file the Approval with the Middlesex South District registry of Deeds in Cambridge (the "Registry") and must pay all fees related to the recording or filing of such Approval. The Town Clerk will supply the necessary document(s).
3. Under the Special Permit Section of Chapter 40A, if any Site Plan Approval is not filed with the Registry within two (2) years of its grant or, if the rights authorized by the Special Permit are not exercised within two years from the date of its grant, the Special Permit cannot be exercised without further permission from The Board.
4. The Building Inspector requests that when a building permit is requested the Applicant provide him with a copy of the Approval or a copy of the Town Clerk's certification, on either of which the Registry Clerk has noted the Book and Page at which the Approval is recorded and/or indication that the Approval has been recorded at the Registry.

K. Application Fees¹³⁶

In compliance to MGL Ch. 40, Section 22F, the Planning Board shall establish a schedule of fees relative to any applications or inquiries made to the Board pursuant to fulfillment of the Board's responsibilities under the Maynard Protective Zoning Bylaws and the Maynard Rules and Regulations Relating to the Subdivision of Land.

The schedule of fees may be modified from time to time at a public meeting of the Planning Board.

A-VI DESIGN REVIEW STANDARDS

1. Purpose

The Maynard Planning Board shall use the following guidelines and standards in administering Design Review as described Section 14.4C in the Maynard Protective Zoning Bylaws.

The objective of the design review is to maintain coherence and harmony with the existing buildings in the immediate area and the neighborhood that exhibit historic and/or high quality design features that the Board feels defines the best of area architecture.

The following guidelines have been organized into two related sections:

- Overall Guidelines - These are general considerations that should apply to any project.
- Specific Guidelines - These concern the elements of a building and its site that might be affected by a proposed project such as storefronts, lighting, roofs, materials, signage and the like.

2. Overall Guidelines

Building improvements should respect a building's original style or type where the building is of historic merit, or where the original building design is of high quality and distinctive character.

¹³⁶ Article 4: S.T.M. May 16, 2006

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The industrial revolution and the building styles that were used during this period are of great significance in Maynard, and several structures typical of this period remain. Restoration of these facades to reflect their original character to the greatest extent possible is a fundamental goal.

Building renovations should be harmonious with the original structure in form, style and materials whenever possible. Building improvements should not be designed to mimic historical features that are inappropriate to the original character of the building.

Previous building renovations which have taken place over the course of time are sometimes evidence of the history of a building and its environment. If these alterations have acquired their own significance, they should be recognized and respected.

- A. If original building elements have been removed or substantially altered over time, contemporary treatments are not discouraged. However, they should retain traditional principles and be of a character appropriate to the area.
- B. New buildings may have a contemporary character that is respectful of and composed with traditional and attractive design elements (materials, colors, facade organization and proportions). Buildings designed in accurate historical architectural styles are recommended.
- C. New building design should reflect a long-term contribution to the area's architecture, and should be planned in such a manner as to not preclude a variety of tenants from occupying the structure over the course of time. Building styles not easily adapted to future reuse are strongly discouraged.
- D. Distinguishing original qualities and features of a building, or structure and its environment should be preserved; elements that make a building special should be identified and preserved if at all possible.
- E. Facade designs that relate to the historic town character of Maynard are encouraged. In general, businesses should rely on signage, not on signature or symbolic building elements, to advertise themselves and to attract patrons.
- F. Standardized or generic designs are to be avoided. Within an overall framework of consistent and coherent general principles, variety in the commercial environment is encouraged.

3. Specific Guidelines

In each of the following subsections, the "Standard" represents the conditions that must be met by all development that are subject to design review, while the "Recommended Approach" represents one way of satisfying the standard. Through the site plan approval process, the Planning Board may permit alternative site planning and building design approaches provided that it finds that such alternative approaches address the required standard as well as or better than the "Recommended Approach."

A. Facades, Exterior Walls, and Details.

Standard:

Buildings should have human scale architectural features and patterns; their height, orientation, and massing should be respectful of and in proportion to pedestrians that pass along the downtown streetscape. The elements should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint. Facades visible from a public way should be articulated or use other techniques to reduce the massive scale and the uniform appearances of large buildings. Facades along Main and Nason Streets should pay particular attention to exterior detailing that encourages pedestrian interest and activity.

New building and facade designs should be similar to the immediate neighbors and historic site organization, with primary orientation towards the streets and doors and windows adjacent to sidewalks. Facades and visible roofs should strive to be visually interesting and attractive along areas that will be seen by the public.

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A unified architectural style should be determined for each project and used consistently for all elements of a building wall and roof. However, in the case of a use which is housed in multiple buildings, the underlying integrity of each building should be preserved, to the extent that historic qualities remain. Proportions of building elements should respect the architectural styles with which they are composed, in addition to details and materials. Building doors and windows should be designed to be consistent in proportion, size and configuration with the architectural styles that are determined to be appropriate for the building.

Recommended approach:

1. Building facades should include a repeating pattern that should include color change, texture change, and materials change. At least one of these elements should repeat horizontally. All elements should repeat at intervals of no more than thirty (30) feet, either horizontally or vertically. Patterns can include architectural or structural bays through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.
2. The massing of large buildings should reflect the functions of the building and respond to the scale of traditional buildings by including major façade elements, which help to break the building into smaller pieces with distinctive appearances. Individual buildings and their storefronts should appear distinct, even when a single use spans multiple storefronts.
3. Facades which are visible from a public way and greater than 100 feet in length, measured horizontally, should:
 - a. Incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade so that no uninterrupted facade should exceed 100 horizontal feet; or
 - b. Incorporate other types of articulation, facades, displays, or texture which meets the above standard.
4. Ground floor facades that face public streets should have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length. The street level facade of commercial storefronts should be transparent between the height of three feet and eight feet above the walkway grade (see Storefronts).
5. Blank walls without any visual content or interest should be avoided along pedestrian sidewalks and parking areas, and on front facades in general.
6. Historic roof forms should be retained or restored. Additions should have roof forms that are compatible with the forms of the building to which they are attached. New structures should employ simple roof forms compatible with the flat or gable roof styles typical of the Maynard commercial areas.
7. Downspouts and gutters should be of a color that is compatible with the building walls. If the building is historic, the style and color of downspouts and gutters should be appropriate to the original character of the facade.

B. Windows, Doors, and Entryways.

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Standard:

Windows should respect spacing and size patterns appropriate to the architectural style that is chosen for either renovation or new construction. In general, numerous smaller window openings are preferred for upper stories of buildings. Lower story windows should be appropriate for the uses behind them, but transparency and indication of activity are important.

Primary entrances are a principal element of orientation and welcome along the street edge, and should be designed appropriately; they should concentrate visible activity and interest toward the street.

Large retail buildings should feature multiple entrances. Multiple building entrances break up large walls, reduce walking distances from cars, facilitate pedestrian access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments of a store. Entryway design elements and variations should give orientation and definition to the building.

Recommended Approach:

1. Windows

- a. Whenever possible, the original window patterns of a building should be restored or retained; avoid blocking, reducing, or changing any original and appropriate pattern of windows when renovating older buildings. Repairing existing historic windows with in-kind materials is preferable to replacement. When existing historic windows are irreparable, replacement windows should replicate existing historic window details.
- b. An individual, "punched" window expression rather than continuous horizontal or vertical "strip" windows is encouraged whenever possible and appropriate to the building style. Windows with multiple small panes which emulate historic windows should be avoided, unless they are historically accurate and appropriate to the primary style of the building. Such glazing was seldom used during many historical periods, and is often used inappropriately to convey a "colonial" appearance.
- c. Larger scale windows should be used at the ground level.
- d. Transparent glazing should be used, and reflective or dark tinted glass avoided. Opaque panels, such as painted metal or spandrel glass, should not be used to replace vision glazing in windows.
- e. Shutters should be employed only if they are consistent with the architectural style of the façade. Shutters should not be employed with casement-style windows, bay windows, or broad picture or display windows.

2. Doors

- a. Primary entrances should be largely transparent, as was traditionally the case with storefront design. This will promote a sense of welcome and safe access.
- b. Street numbers should be located near the front address and be of adequate size and distinctive color to be visible to the passing motorist. The street number should not be located so that it is obscured when the front door is open.
- c. Any special loading and service entrances should be screened from streets, other public ways, and adjacent properties. If it is not possible to screen such areas entirely, they should be visually minimized to the greatest extent possible.

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- d. Unused entrances should be transformed into other architectural elements appropriate to the architectural style of the building, such as store window.
 - e. Entrances should meet the requirements of the Massachusetts Architectural Access regulations.
 - f. The addition of rear entrances, display windows, or other improvements are encouraged in order to increase the interest and access to uses.
 - g. Historic door material and hardware should be restored or repaired where possible. Repair should match existing size, species, profile and configuration.
 - h. Screen and storm doors should be wood, when appropriate to the building, and kept as simple as possible. Horizontal and vertical rails of screen doors should align and coincide with those of the doors behind.
 - i. Aluminum doors and aluminum screen doors are not recommended.
 - j. Divided lite doors or side lites should be employed only if appropriate for the style of the building facade.
 - k. Drop ceilings should not be visible from the public street or sidewalk.
3. Entryways:
- a. The sides of a principal building that face an abutting public street or large parking lot should have at least one customer entrance or a pedestrian arcade that brings pedestrians around the building to the entrance.
 - b. Each principal building and each store within a building should have at least one clearly defined, highly visible customer entrance, featuring no less than three of the following: Canopies or porticos, overhangs, recesses/projections, arcades, raised corniced parapets over the door, peaked roof forms, arches, outdoor patios, display windows, architectural details which are integrated into the building structure (such as tile work and moldings), or integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

C. Materials and Colors.

Standard:

In general, high quality materials should be used that convey substance and integrity. The use of materials that are traditional and historically typical to Maynard is encouraged. This includes an emphasis on brick and clapboard for renovations or reconstructions. Exterior materials should be consistent with the historic style which is used to compose the facade.

The goal of these guidelines is to encourage the use of traditional quality materials for both appearance and durability. The use of real materials, rather than imitations, is strongly encouraged. The goal of this guideline is to avoid materials that are typical of low cost and low quality construction, or appear to be masking or patching an underlying facade material.

Recommended approach:

- 1. Predominant exterior building materials should be high quality materials and include, but not be limited to, brick, wood, granite, native stone, tinted, textured, and concrete masonry units.

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2. Facade colors should be low reflectance, using appropriate historic palattes or neutral or earth tone colors.
3. Building trim and accent areas may feature brighter colors, including primary colors.
4. The consistent use of a dominant building material for the facade is encouraged, rather than multiple materials, such as brick and clapboard combinations.
5. Where possible, materials used to patch or repair existing facades should match original, desirable materials as closely as possible.
6. Designs should use real materials, rather than imitation materials, such as vinyl siding, plastic roof tiles, or veneer brick.
7. If metal is used, it should be appropriate to the building, and convey a sense of quality to assure an attractive appearance over time.
8. Materials used near sidewalks and adjacent to the entrance should be durable and compatible with other building materials.
9. Plywood or other wood panel sheathing materials should be avoided unless they are incorporated as a panel within a frame and are durable for exterior use.
10. Minor decorative elements, such as facade ornaments, decorative fasteners, or small accents can be of any rigid, durable material that will be in harmony with the facade.

D. Rear and Sides.

Standard:

Architectural and landscaping features should mitigate the impacts of rear and sides of buildings which otherwise present a view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Where the rear and sides of buildings front on public streets and/or other public spaces (e.g. parks or parking lots), they should incorporate additional entries and attractive architectural treatments that mimic the quality of the front façade.

Recommended approach:

1. Where space allows, greater landscape buffers, screening, and fencing than is otherwise required in the zoning should be used, but in no way impede views of the Assabet River. Where the facade faces adjacent residential uses and space allows, an earthen berm, no less than 3 feet in height, containing at a minimum evergreen trees planted at intervals of 20 feet on center, or in clusters or clumps should be provided.

E. Central Pedestrian-Scale Features.

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Standard:

Buildings should offer pedestrian scale features and amenities. Entrances and parking lots should be configured to be functional with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces, and look attractive with features of public infrastructure.

Recommended approach:

Each project subject to these standards should contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: outdoor benches or seating, window shopping walkway, outdoor playground, kiosks, water feature, or other such deliberately shaped area and/or a focal feature or amenity that enhances such community and public spaces. Any such areas should have direct access to the public sidewalk network and such features should not be constructed of materials that are inferior to the principal materials of the building and landscape.

F. Awnings, Canopies and Marquees.

Standard:

Awnings, canopies and marquees with a traditional design and appearance are encouraged as facade elements when they serve to protect pedestrians from the sun and rain, provide a secondary location for signage, add color and interest to building storefronts and facades, and add emphasis to display windows and doorways. Awnings should reflect the overall facade organization and storefront locations of a building. Traditional and simple shapes are encouraged, rather than unusual or contemporary profiles.

Recommended Approach:

1. Awnings on a multiple storefront building should be consistent in character, but need not be identical.
2. Awnings should be located within the building elements framing storefront openings.
3. Awnings of a round or bullnose shape should be avoided unless used for a single door or window opening that is not part of a framed storefront.
4. The rigid framework for awnings, canopies or marquees should be no lower than 8 feet above the sidewalk under it. Suspended fabric panels of awnings should be no lower than 7 feet above the sidewalk
5. Backlit awnings should not be used.
6. Awnings should be made of soft fabrics such as canvas.

H. Storefront.

Standard:

Storefronts refer to those portions of the facade which directly relate to the street and the commerce inside. In some cases, the storefront may include the side or back of the building. Most facades consist of an architectural framework designed intentionally for one or more storefronts to occur. The expression of the storefronts should respect the framework and not expand beyond it.

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Storefronts should be consistent in style with the building architecture where possible, provide clarity and interest to the facade, provide for a high level of transparency, and be harmonious with other adjacent storefronts. It is also important that the distinction between the storefront and the rest of the building facade should be maintained. Displays in both retail and non-retail storefront windows that add color, texture, information or visual activity to the pedestrian experience are encouraged.

Recommended Approach:

1. Storefront display windows that display products or services, signs with the name of the organization, local business logos, hours, public service messages or displays, or views to an activity in which people are involved frequently during hours of operation are encouraged.
2. Reflective or dark tinted glass, or reflective films should be avoided.
3. Where a storefront does not serve a retail use and transparency is not practical, window treatments should be employed to create an attractive appearance.
4. A horizontal band or frieze that serves as a signage band should be incorporated at the top of storefronts.
5. A base panel and sill course are traditional for most, although not all, architectural styles. Where it is appropriate for the existing or proposed architectural style, a base panel and sill course should be provided.. The base panels and sill course should continue across the entire width of the storefront bay and terminate at doors or the vertical elements framing the bay. The base panel and sill course should be 24" or lower, measured above the sidewalk.
6. Incorporating a glazed transom (with the building address) above the door is encouraged when storefront heights are sufficient to allow for it.
7. Storefront window transoms should be consistent with door transoms.
8. Transparent storefronts are not necessary for some businesses, such as professional offices. Nevertheless, it is preferable to maintain substantial storefront glazing and provide attractive window treatments to avoid blank facades along the sidewalk.

I. Building Systems.

Standard:

The components of building mechanical, electrical and plumbing systems should be concealed from view wherever possible. The visual impact of those building systems and equipment which cannot be concealed should be minimized on building facades. Exposed elements of building systems which cannot be hidden, recessed or screened should be blended sympathetically with the building facade.

Recommended Approach:

1. Rooftop mechanical equipment should be completely screened by the building parapet wall so as not to be visible from the street and sidewalk.
2. Air conditioning units should not be placed into windows or any other openings visible from the street. Units located in non-window openings are appropriate if they are screened with a grille within the storefront or facade or building wall.

APPENDIX B – ZONING MAP AMENDMENTS

AMENDMENT

Voted to amend the Zoning By-Laws and Zoning Map by changing from an “Industrial” to “Single Residence District” all of the area on the southeastern portion of Town bounded by Parker Street on the southwest, by Old Marlboro Road on the northwest and by the Town of Sudbury on the east.

AMENDMENT

Voted to amend Section 2 of the Zoning By-Laws and the Zoning Map by changing from Single Residence to an Industrial District a strip of land extending from the southerly line of Powder Mill Road to the medial line of Old Mill Road, so called, said strip of land being one hundred and eighty-five (185) feet wide, parallel and adjacent to the westerly side of the existing Industrial District which is situated on the easterly side of Town near the junction of the boundaries of the Towns of Acton, Concord and Maynard.

AMENDMENT

Voted to amend the Zoning By-Law and the Zoning Map of Maynard, dated October 5, 1959 and referred to under Section 2 of the Protective Zoning By-Law of the Town of Maynard, Massachusetts by changing from that of Single Residence District to that of Business District the following described area of land situated on the northerly side of Powder Mill Road: "Beginning at land of the Germay Realty Corporation and running easterly along Powder Mill Road 136.6 feet to land now or formerly of Salvatore Buscemi, thence northerly by said land of Salvatore Buscemi, two hundred (200) feet, more or less; thence westerly by land now or formerly of William Snow et al, 70.6 feet; thence southerly by said land of the Germay Realty Corporation 191 feet to the point of beginning.

AMENDMENT

Voted to amend the Zoning By-Laws and Zoning Map of the Town of Maynard by changing from Residential to Industrial the following area: Beginning at that point where Brown Street (Mass Rte. 27) intersects the Maynard/Acton Town Line, thence southerly along the center line of said Brown Street a distance of 1,200 feet to a point, thence due west to the Boston & Maine single track railroad to a point, thence northwesterly on a line to a point on the Maynard-Acton town line to a point on the Maynard/Stow line to its intersection with the Maynard-Acton Town line, thence southeasterly along said Maynard/Acton Town Line to the point of the beginning.

AMENDMENT

Voted to amend the Protective Zoning By-Laws and the Zoning Map of said Town by extending the Business District as it now exists to include in said Business District, the following parcel of real estate adjacent to said Business District, but presently non conforming business use property in a Single Residence District the said parcel being located and bounded and described as follows:

A certain parcel of land with the buildings thereon located at the corner of Brown Street and Concord Street in said Maynard, and being shown as Lot 1 on a plan entitled "Plan of Land in Maynard, Ma. surveyed for Thomas Deanevi", by Horace F. Tuttle, dated May, 1905 and recorded with the Middlesex South District Registry of Deeds at the end of Book 3261, and further bonded and described as follows:

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Beginning at the southwesterly corner of the premises at Concord and Brown Street, at the present line of the present business zone, thence running northeasterly by said Brown Street 172 feet to Lot 2 on said plan; thence turning and running southeasterly by said Lot 2, 115.50 feet to said Concord Street, thence turning and running southwesterly by said Concord Street, 127 feet to the point of beginning, and containing 7,334 square feet of land more or less”

AMENDMENT

Voted to amend the Protective Zoning By-Laws of the Town of Maynard and the Zoning Map of Maynard by extending the present Industrial District situated south of Powder Mill Road to include the following described area of land, presently zoned residential, bounded:

Beginning at a point located 600 feet south of the southerly side of Powder Mill Road at the Westerly boundary of the present Industrial District and land of the Powder Mill Realty and Trust Company; thence Westerly by a line running parallel to and 600 feet distant from the southerly side at Powder Mill Road, 2,000 feet to a point; thence southeasterly to a point located 1,300 feet northeasterly of Waltham Street and opposite Wood Lane; thence easterly by a line remaining parallel to the 1,300 feet distant from Waltham Street to the present Industrial District, thence by the present Industrial District to the point of beginning.

AMENDMENT

Voted to amend the Protective Zoning By-Laws and the Zoning Map of the Town of Maynard, Massachusetts by changing from residential to business the following described area of land, situated Westerly of Acton Street and northwesterly of Conant Street;

Beginning at a point at the intersection of Conant Street and Acton Street, 542 feet more or less, to the Maynard and Acton Town line, thence southeasterly by said Maynard and Acton Town line, 225 feet, more or less, to land of George Brown; thence southerly by said land of George Brown, 34 feet, more or less; then southeasterly by said land of George Brown, 100 feet, more or less, to Conant Street; thence southwesterly by Conant Street, 379 feet, more or less, to Acton Street at the point of the beginning.

AMENDMENT

Voted to amend Section 2 of the Zoning By-Laws and the Zoning Map, by changing from Single Residence to an Industrial District the following area known as the United States Military Ammunition Depot, bounded by Old Marlboro Road and Puffer Road on the east, by the Town of Sudbury on the South, by the Town of Stow on the west, and by land now or formerly of Edith N. Buckingham, Millies S. Simon, American Woolen Company, Town of Maynard, Mary E. Schnair, Alden G. Waugh, and Boston and Maine Railroad on the north.

AMENDMENT

Voted to change from Single Residence to Industrial the following described area of land off Parker Street in Maynard.

Commencing at a point on the westerly side of Parker Street at the northeast corner of land now or formerly of Eddma Dettling, now Boardman, and land of Birger S. Koski and Aune R. Koski, then

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turning and running south 75 degrees 30 feet, West 490.94 feet; thence turning and running north 19 degrees, 28 feet west, 184.87 feet; thence turning and running north 64 degrees 35 feet, west by land now or formerly of Clara B. White, 1,205 feet; thence turning and running north 30 degrees 21 feet 37 inches, west by land now or formerly of the United States of America, 1,007.48 feet, thence turning and running north 22 degrees 20 feet, east by land now or formerly of American Woolen Company 280 feet, thence turning and running south 63 degrees 33 feet, east by land now or formerly of William H. Eveleth, 598.92 feet; thence turning and running north 34 degrees 16 feet, east by land now or formerly of said Eveleth, 587.63 feet; thence turning and running north 36 degrees 23 feet, east by land now or formerly of said Eveleth, 119.05 feet; thence turning and running South 2 degrees 21 feet, west by said Parker Street, 195.71 feet, and thence turning and running south 13 degrees 0 feet, west by said Parker Street, 894.39 feet to the point of beginning.

AMENDMENT

Voted to amend by changing from Single Residence S-1 to General Residence the following described area of land situated westerly of Waltham Street:

Beginning at the southeasterly corner thereof at Waltham Street and the Maynard-Sudbury Town Line, thence turning southwesterly by said Maynard Town Line 353.84 feet to land now or formerly of John Saunders; thence northwesterly by said land now or formerly of John Saunders 538.24 feet to land now or formerly of Louis P. Boeske; thence northeasterly by said land now or formerly of said Louis P. Boeske, 747.48 feet to said Waltham Street; thence southeasterly by said Waltham Street, 662.21 feet to the point of beginning.

AMENDMENT

Voted to amend the Protective Zoning By-Laws and Zoning Map of the Town of Maynard as follows:

By changing from Single Residence to Industrial that part of land of Hilja Twomanen which presently is in the Residential District so that all of the following described area of land is included within the Industrial District. A certain parcel of land situated on the westerly side of Acton Street, Maynard, Ma. and shown on a plan surveyed for G.H. Williams by Horace T. Tuttle, April 6, 1937, and recorded with Middlesex South District Registry of Deeds, Book 6159, Page 326, as plan No. 981 of 1937, and bounded and described as follows:

EASTERLY by Acton Street, 292 feet, more or less;
SOUTHERLY by land now or formerly of Williams, 115 feet;
EASTERLY by land now or formerly of Williams, 14 feet;
SOUTHWESTERLY by lots 1 and 3, 1,415 feet;
NORTHWESTERLY by land of owners unknown, 300 feet; and
NORTHEASTERLY by land now or formerly of Navadonsky and others, 1,372 feet.

AMENDMENT

Voted to amend the Protective Zoning By-Law and the Zoning Map of the Town of Maynard extending the existing Business Zone on the northerly side of Powder Mill Road, in the easterly direction from the end of the existing Business Zone, to land now or formerly of Edgar Christian, and bounded and described as follows:

SOUTHERLY by Powder Mill Road, about 228 feet, more or less;

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WESTERLY by the Easterly boundary of the existing Business Zone as shown on the Zoning Map, Town of Maynard, NORTHERLY by the Assabet River about 296 feet, more or less;
EASTERLY by land now or formerly of Edgar Christian, about 230 feet, more or less.

AMENDMENT

Voted that the Town will rezone the following described land from Single Residence S-1 to Single Residence S-2.

Bounded on the northwesterly side of the Stow Town Line.
Bounded on the southwesterly side of the Stow Town Line.
Bounded on the southerly side by existing S-2 zone line on Summer Street. Bounded on the northerly side by Industrial Zone Line.
Bounded on the easterly side by the rear lot lines of Lots 1-21 on Durant Avenue. Lots 22,23,24 on Dana Road and Lots 27-40 on George Road and by a line from the easterly side of lot 40 to Industrial Zone Line as shown on the map of Silver Hill, Maynard, Ma., dated December 30, 1958 by R.C. Pressey, Inc.

AMENDMENT

Voted to amend the present Zoning By-Law and the Zoning Map of the Town of Maynard dated September, 1969, as amended, by changing from that of Single Residential District S-1 to that of Industrial District the following described area of land situated Southerly on Great Road and Westerly of Parker Street and being shown as Parce1s 3, 4, and 5 on a plan entitled "Representation Plan Showing Zone to be changed from Residential to Industrial Plan of Land in Maynard MA" dated January 31, 1972, revised March 8, 1972, drawn by Boston Survey Consultants, more particularly described as follows:

Beginning at a point in the northeasterly corner of the parcel to be described, said point being a stone bound as shown on said sketch:
Thence: Running by a stone wall S32-02-11W, one hundred and nineteen and 05/100 feet (119.05) to a stone bound;
Thence: Turning and running S34-19-23W, five hundred and eighty-eight and 64/100 feet (588.64) to a drill hole at the intersection of the stone wall;
Thence: Turning and running by the remains of a stone wall N68-39-33W, one hundred and 85/100 feet (100.85) to a drill hole in a stone wall;
Thence: Turning and running by the remains of a stone wall N62-39-44W, two hundred and eighty-one and 59/100 feet (281.59) to a drill hole in a stone wall;
Thence: Turning and running by a stone wall N65-50-44W, fifty seven and 24.100 feet (57.24) to a drill hole in a stone wall;
Thence: Turning and running N63-47-08W, one hundred and sixty- two feet more or less (162 +/-) to the center line of a brook, said last six courses being by land now or formerly of DEC Realty Trust;
Thence: Turning and running N63-47-08W, ninety-nine feet more or less (99+/-) to a drill hole at the beginning of a stone wall;
Thence: Turning and running by a stone wall N65-48-07W, eighty-three and 99/100 (83.99) feet to a drill hole in a stone wall;
Thence: Turning and running by a stone wall N61-59-37W, ninety-two and 38/100 (92.38) feet to a drill hole in the intersection of two stone walls;
Thence: Turning and running by a stone wall S24-02-51W, one hundred and fifty-three and 78/100 (153.78) feet to a drill hole in a stone wall, said last four courses being land now or formerly of DEC Realty Trust;
Thence: Turning and running by land now or formerly of DEC Realty Trust and the United States of America by a stone wall S24-52-30W, one hundred and forty-seven and 26/100 feet (147.26) to a point;
Thence: Turning and running N35-18-11W, five hundred and fifty and 49/100 feet (550.49) to a point;

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- Thence: Turning and running N33-33-00W, ninety eight and 54/100 feet (98.54) to a stone bound said last two courses being by land now or formerly of the United States of America;
- Thence: Turning and running N35-00-36W, seven hundred and thirty-one and 18/100 feet (731.18) to a stake and nail;
- Thence: Turning and running N23-26-56E, three hundred and fourteen and 40/100 feet (314.40) to a stone bound said last two courses of land now or formerly of the United States of America;
- Thence: Turning and running by land now or formerly of the Town of Maynard, 562-20-32E, three hundred eleven and 57/100 feet (311.57) to a stone bound;
- Thence: Turning and running by land now or formerly of Coughlin S62-50-09E, three hundred and twenty-three and 68/100 feet (323.68) to a stake and nail;
- Thence: Turning and running in part by a stone wall S63-02 17E, two hundred and twenty-seven and 94/100 feet (227.94) to a stone bound;
- Thence: Turning and running in part by a stone wall S63-02-17E. three hundred and forty-seven feet more or less (347+/-) to the center line of a brook;
- Thence: Turning and running by land now or formerly of the Town of Maynard S66-32-48E, nine hundred and eighty-two feet more or less (982 +/-) to the stone bound at the point of beginning.

Containing 32.395 acres more or less.

AMENDMENT

Voted to amend the Zoning By-Laws and Zoning Map of Maynard referred to under Section 2 of the Protective Zoning By-Laws of the Town of Maynard, as amended, by changing from that of Single Residence Districts (S-2) under Section 3 to that of Garden Apartment District under Sec. 6A, the following two parcels of land:¹³⁷

Parcel One: A certain parcel of land in Maynard, Middlesex County, Massachusetts, located on the southerly side of Summer Street, described as "Area = 16.06/100+ acres" shown on a entitled, "Land in Maynard, owned by Estate of Josiah Herrick, Harlan E. Tuttle, Surveyor", dated October 5, 1960, recorded in Middlesex South District Registry of Deeds in Book 9703, Page 400, reference to said plan is made for a more particular description; said PARCEL ONE being shown as Parcel 7 on Sheet 12 (a portion of said Parcel 7 being shown on Sheet 7) on the Sheet Index, Assessors Map, Town of Maynard, Scale 1" = 800' feet Moore.

Parcel Two: A certain parcel of Land in Maynard, Middlesex County, Massachusetts, located northerly of Summer Street, and being that portion of land situated within the said Town of Maynard, the entire parcel being described as "Area 15 Acre +", as shown on a plan entitled "Land in Maynard and Stow" belonging to the Estate of T. Hillis called the Blood Lot surveyed by Horace F. Tuttle, 1921," recorded in Middlesex South District Registry of Deeds in Book 6866, Page 424, reference to said plan is made for a more particular description, said PARCEL TWO being shown as Parcel 8 on Sheet 12 the Assessors Map.

AMENDMENT

Voted to amend the Zoning By-Law and "Zoning Map of Maynard" referred to under Section 2 of the Protective Zoning By-Law of the Town of Maynard as amended by changing from that of Business District under Section 5 to that of Industrial District under Section 6, the following parcel of land:

¹³⁷ Article 38, A.T.M., May, 1981

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A certain parcel of land, with the building thereon, situated on the southwesterly side of Great Road, in Maynard, Middlesex County, Massachusetts, and being shown on a plan entitled, "Concord, Maynard and Hudson Street Railway Co., D.P. Abercrombie Receiver, Plan of Land in Maynard, Massachusetts, July 14, 1923, E.W. Clapp Engineer for Receiver," recorded with Middlesex South District Registry of Deeds, in Book of Plans 322, Plan 49, bounded and described as follows:¹³⁸

Beginning at an old stone bound situated in the ground at the northwest corner of the premises and running thence southeasterly along said Great Road, 117.2 feet in an iron pin;
Thence southwesterly, with an interior angle of 87 degrees 19 feet running 462.7 feet to a point in a marsh or pond;
Thence northwesterly with an interior angle of 88 degrees 23 1/2 feet, and running 152.3 feet to an iron pin driven at the end of an old stone wall;
Thence northeasterly with an interior angle of 87 degrees 9 1/2 feet, and running 454 feet to the point of beginning 1.4 acres of land more or less.

AMENDMENT

CENTRAL BUSINESS DISTRICT

Voted to rezone the following described land from "Business District" to "Central Business District" and to amend the zoning map of Maynard.¹³⁹

Beginning at the centerline of Florida Road as it crosses over the Assabet River at the existing District line of the Business District/General Residence District, thence running;
SOUTHEASTERLY by the centerline of the Assabet River to the angle in the existing district line, thence;
NORTHEASTERLY by the existing district line to the centerline of Summer Street at the approximate centerline intersection of Brooks Street and Maple Street with Summer Street, thence;
SOUTHEASTERLY by the centerline of Summer Street and Waltham Street to the centerline intersection of Parker Street, Route 27, thence;
SOUTHERLY by the centerline of Parker Street to the centerline intersection of Hillside Street, thence;
SOUTHWESTERLY by the centerline of Hillside Street to the intersection of Walnut Street, thence;
NORTHWESTERLY by the centerline of Walnut Street to the centerline intersection of Main Street, Route 62, thence;
WESTERLY by the centerline of Main Street to the centerline of Florida Court to the point of beginning at the existing district line over the centerline of the Assabet River.

AMENDMENT

Voted to amend the Protective Zoning By-Law and the Zoning Map of Maynard, by rezoning from a Single Residence S-1 District into Single Residence S-2 District the following land bounded as follows:¹⁴⁰

All the land bounded on the south by the Median line of Colbert Avenue from its intersection with the median line of Glendale Street and a line in prolongation of the median line of Colbert Avenue to the Assabet River (which is the northerly line of an existing General Residence District); thence bounded northerly by a short portion of the median line of Glendale Street between its intersections with the

¹³⁸ Article 19, A.T.M., May 24, 1982

¹³⁹ Article 36: A.T.M. May 20, 1985

¹⁴⁰ Article 33, A.T.M., May 20, 1985

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Colbert Avenue and Lewis Street median lines; thence bounded westerly, northerly and again westerly by the median line of Lewis Street to its intersection with the median line of Concord Street; thence bounded northwesterly by the median line of Concord Street to its' intersection with the prolonged easterly line of Hird Street; thence northwesterly by the northwesterly line of Concord Street (which is the southeasterly line of an existing Single Residence (S-2 District) to the Maynard-Acton Town line, thence bounded northeasterly by the Maynard-Acton town line to the Assabet River; thence bounded southerly by the Assabet River to the point of beginning where it meets the prolonged median line of Colbert Avenue.

AMENDMENT

Voted to amend the Maynard Zoning By-Law and Map by changing from Industrial to an Open Space District the following area known as the Sudbury Annex and U.S. Military Reservation shown on a plan entitled "Real Estate, Maynard Ordinance Test Station, Military Reservation" dated May 24, 1943.¹⁴¹

All the land bounded northeasterly by the median line of Puffer Road (so called) from its intersection with the median line of Old Marlboro Road and running southeasterly 967 feet more or less, Thence easterly by a line extending 450 feet, more or less to the Maynard/Sudbury town line, Thence southerly by the Maynard/Sudbury town line to its juncture with the Maynard/Stow town line, Thence westerly by the Maynard/Stow town line to its juncture(with a property line, now or formerly of the Boston & Maine railroad, Thence northwesterly by said Boston & Maine property line 725 feet more or less, Thence northeasterly by land now or formerly of Mary F Schnair, 2097 feet more or less to a point near Taylor Brook, Thence westerly by the easterly line of Taylor Brook 451 feet more or less, in two courses, Thence easterly by land now or formerly of Mary E Exuer, 1616 feet more or less, in two courses, Thence easterly by land now or formerly of the Town of Maynard, the American Woolen Company and Millie S Simon, 2357 feet more or less, in several courses, Thence bounded easterly by land now or formerly of Edith N. Buckingham, 3171 feet more or less to the median line of Old Marlboro Road, thence southerly by the median line of Old Marlboro Road 778 feet more or less to the point of the beginning.

AMENDMENT

Voted to amend the Maynard Protective Zoning By-Law and map by changing from Single Residence (S-1) District to a single residence (S-2) District all the land on the southeastern portion of Town bounded by Parker Street on the south west, by Old Marlboro Road and Great Road from Old Marlboro Road to the Maynard/Sudbury Line on the northwest and by the Town of Sudbury on the east.¹⁴²

AMENDMENT

Voted to amend the Maynard Protective Zoning by-Law and map by rezoning from Single Residence (S-1) District into a Single Residence (S-2) District the following land bounded as follows:¹⁴³

All land on the south bounded by the median line of Great Road from its intersection with the median line of Parker Street to the Median line of Thompson Street, thence bounded westerly by the median line of Thompson Street to its intersection with the median line of Fairfield Street to its intersection with the median line of Parker Street, thence bounded easterly by the median line of Parker Street to the point of beginning at its intersection with the median of Great Road.

¹⁴¹ Article 35: A.T.M. May 18, June 1&3, 1987

¹⁴² Article 35: A.T.M. May 18, June 1&3, 1987

¹⁴³ Article 36: A.T.M. May 18, June 1&3 1987

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AMENDMENT

Voted to amend the Protective Zoning By-Laws and Map by changing from Single Residence (S-1) District to a Single Residence (S-2) District:¹⁴⁴

All the land in the southeast sector of the Town bounded southwesterly by the median line of Puffer Road (so called) from its intersection with the median line of Old Marlboro Road running southeasterly 976 feet more or less, thence westerly by a line extending 450 feet more or less to the Maynard/Sudbury Town line, Thence southerly by the Maynard/Sudbury Town line to its intersection with the easterly line of Parker Street, Thence easterly by said easterly line of Parker Street to its intersection with the median line of Old Marlboro Road, Thence northwesterly by the median line of Old Marlboro Road to its intersection with the median line of Puffer Road, to its point of beginning.

AMENDMENT

Voted to amend the Maynard Protective zoning By-Law and Map by changing from a combination Business District and Single Residence (S-1) District to Business District the land:¹⁴⁵

Beginning at a point on the centerline of Waltham Street, said point being the intersection of the centerline of Hayes Street with the intersection of the centerline of said Waltham Street;
Thence running along centerline of said Waltham Street southeasterly a distance of 344+ feet to a point;
Thence turning and running southwesterly by a portion of Waltham Street; by the land now or formerly of Foley, Arbella, Wojsznis, and Russo; and portion of Arthur Street a distance of 258+ feet to a point, said point being on the centerline of said Arthur Street; Thence turning and running along the centerline of said Arthur Street Westerly a distance of 240+ feet to a point, said point being at the centerline intersection of said Hayes Street with the centerline of said Arthur Street; Thence turning and running along centerline of said Hayes; Street northerly a distance of 358+ feet to a point of beginning.

AMENDMENT

Voted to amend the Maynard Protective Zoning By-law and Map by changing from a Single Residence S-1 District to an Open Space District the following areas shown as lots No. 30 through 36 and 39 through 45, inclusive, including a portion of White Avenue, Sheridan Avenue and Bluff Avenue, as shown on a plan of Great Road Park, by Horace Thissel, C.E., dated July 1918, and recorded in Book 8146-Page 326 and Book 9074-Page 403 of the Middlesex South District Registry of Deeds, said land being property of the Town of Maynard, further described as follows:¹⁴⁶

All the land bounded northeasterly by the median line of Sheridan Avenue from its intersection with median line of White Avenue to its intersection with the median line of Bluff Avenue, thence northwesterly by the median line of Bluff Avenue, so called, to a line in prolongation of a line northerly of lots No. 29 and 38, on said plan, thence southwesterly by said northerly line to its intersection with the median line of White Avenue, thence southeasterly by the median line of White Avenue, to its intersection with the median line of Sheridan Avenue at the point of beginning

¹⁴⁴ Article 6: S.T.M. May 17, 1988

¹⁴⁵ Article 12: S.T.M., November 14, 1988

¹⁴⁶ Article 8: S.T.M., May 16, 1989

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AMENDMENT

Voted: that the Town will amend the existing Protective Zoning By-Laws of the Town of Maynard as follows:¹⁴⁷

1. Re-zone from Industrial to Health Care/Industrial the following described area of land:

Land off Main Street, being the portion of Assessor's map 14, Parcel 201 located in the Industrial District.

2. Re-zone from General Residence to Health Care/Industrial the following described area of land:

Land off Sudbury Street, being the portion of Assessor's Map 14, Parcel 201 located in the General Residence District; and land off Main Street, being Assessor's map 14, Parcel 130D.

3. The land described by reference to assessors' maps in paragraphs 1 and 2 above is described by metes and bounds as follows:

Comprising land in Maynard, commonly known as 146 Main Street, described as follows:

Beginning at the westerly sideline of Walnut Street at its intersection with Main Street and running southeasterly 673.41' on a course south 47 degrees, 6 minutes, 47 seconds east, thence running still southeasterly 87.33' on a course south 40 degrees, 11 minutes, 1 second east to the intersection of the westerly sideline of Walnut Street and the northerly sideline of Thompson Street thence turning and running southwesterly 392.72' along the northerly sideline of Thompson Street on a course south 55 degrees, 55 minutes, 34 seconds west, thence turning and running still southwesterly 93.36' along said sideline on a course south 50 degrees, 26 minutes, 43 seconds west, thence turning and running still by said sideline 188.81' on a course south 50 degrees, 39 minutes, 33 seconds west thence turning and running still southwesterly by said sideline 182.59' on a course south 35 degrees, 1 minute, 24 seconds west, thence turning and running by said sideline 126.90' on a course south 25 degrees, 55 minutes, 24 seconds west, thence turning and running by said sideline 61.2' on a course south 19 degrees, 23 minutes, 24 seconds west, thence turning and running westerly 100' on a course north 89 degrees, 53 minutes, 8 seconds west, thence turning and running southwesterly 48' on a course south 19 degrees, 21 minutes, 1 second west, thence turning and running westerly 17' on a course 86 degrees, 49 minutes, 42 seconds east, thence turning and running southwesterly 95.80' on a course 2 degrees, 29 minutes, 4 seconds west and 64' on a course south 2 degrees, 16 minutes, 36 seconds west, thence turning and running westerly 508.42' on a course north 90 degrees, 32 minutes, 39 seconds west, thence turning and running still westerly 110.88' on a course south 70 degrees, 10 minutes, 25 seconds west, thence turning and running still south westerly 148.79' on a course south 69 degrees, 14 minutes, 11 seconds west to the sideline of Sudbury Street;

Thence turning and running northwesterly by the easterly sideline of Sudbury Street 150.69' on a course north 15 degrees, 19 minutes, 2 seconds west, thence continuing by said sideline 449' on a course north 11 degrees, 2 minutes, 31 seconds west, thence turning and running easterly and then northerly by the high water line of Mill Pond approximately 466' to a point on the easterly sideline of Front Street 308.13' southerly of the intersection of said sideline with the southerly sideline of Main

¹⁴⁷ Article 22, Annual Town Meeting, May 15 and May 16, 1995

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Street thence northwesterly by the easterly sideline of Front Street 255' on a course north 33 degrees, 18 minutes, 10 seconds west, thence still northwesterly 53.13' on a course north 33 degrees, 58 minutes, 32 seconds west to the southeasterly sideline of Main Street;

Thence turning and running easterly along the southerly sideline of Main Street 220.19' on a course north 61 degrees, 16 minutes, 56 seconds east, thence turning and running still easterly along the southerly sideline of Main Street, 271.63' on a course north 76 degrees, 7 minutes, 56 seconds east, thence turning and running easterly along said sideline 764.10' on a course north 71 degrees, 18 minutes, 26 seconds east, thence turning and running still easterly along said sideline 32.80' on a course north 68 degrees, 56 minutes, 26 seconds east, thence turning and running still easterly along said sideline 90.33' on a course north 72 degrees, 14 minutes, 26 seconds east to the point of the beginning.

Containing 38.2 acres, more or less, as shown on a plane entitled, "Plan of Land in Maynard, Mass" dated October 28, 1994, prepared by the BSC Group, Inc. for Franklin Lifecare Corporation.

AMENDMENT

Vote to amend the Zoning By-Laws and "Zoning map of Maynard" referred to under section two (2) of the Protective Zoning by-law, as amended by changing from that of Industrial Districts under Section Six (6) to that of Single Residence Districts (S-1) under Section Three (3). A parcel of land consisting of 3.50 + acres off Old Mill Road situated northerly of Waltham Street, easterly of Wood Lane, Southerly of Powder Mill Road and westerly of said Old Mill Road bounded and described as follows:¹⁴⁸

Beginning at the northwesterly corner of the premises at land of the Deer Hedge Run Condominiums,

Thence running S 72 degrees-08'-08"E 177.12 feet by the condominiums to a point,
Thence running S 48 degrees-40'-35" E 197.37 feet by the condominiums to a point,
Thence running S 36 degrees-27'-53" E 62.42 feet by the condominiums to a point,

Thence running S 08 degrees-26'-33" E 49.02 feet by the condominiums to a point,
Thence running S 02 degrees-20'-43" E 111.18 feet by the condominiums to a point,
Thence running S 00 degreees-54'-07" E 110.45 by the condominiums to a point at the Residential District Zone Line (S-1)
Thence running N 64 degrees-30" W 478 feet by the Residential District (S-1) to a point at lots on Wood Lane Extension,
Thence running N 13 degrees-33'-36" E 168 feet by the lots on Wood Lane Extension to a point,
Thence running N 12 degrees-36'-59" E 141.46 feet by Wood Lane Extension and Lots on Wood Lane Extension to the point of beginning.

AMENDMENT¹⁴⁹

Amend the Protective Zoning By-laws of the Town of Maynard and the Zoning Map of Maynard to create a Neighborhood Business Overlay District in the Town to overlay approximately 58 acres of land off Parker Street; the Neighborhood Business Overlay District encompassing the property identified as Assessor's Map 25; Parcel 152.

¹⁴⁸ Article 25, Annual Town Meeting May 20 and May 21, 1996

¹⁴⁹ Article 2: S.T.M., June 12th, 2006

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AMENDMENT¹⁵⁰

To see if the Town will vote to amend the Maynard Protective Zoning By-law and Map by rezoning from the Single Residence District (S-1) into the Industrial Zoning District a portion of a parcel of land shown on Assessor's Map 24, Parcel 3, as shown on plan entitled "Representation Plan Showing Zone to be Changed From Residential (S-1) to Industrial Plan of Land in Maynard, MA" prepared by InLand Survey, Inc. DBA Zanca Land Surveying, dated September 7, 2006, a copy of which is one file in the office of the Town Clerk, and bounded as follows,

Beginning on the Northeasterly corner of assessors map 24 parcel 11 on the Industrial and Residential S-1 Zone line;

thence running N16°15'25"E 325.00' to a point near the Maynard High School;

thence turning and running S73°44'35"E 150.00' to a point;

thence turning and running N16°15'25"E 320.00' to a point;

thence turning and running S73°44'35"E 150.00' to a point;

thence turning and running S16°15'25"W 682.88' to a point;

thence turning and running along the Industrial zone line N66°32'48"W 302.38' to the point of beginning, having an area of 3.47± Acres.

AMENDMENT¹⁵¹

To see if the Town will vote to amend the Protective Zoning By-laws of the Town of Maynard and the Zoning Map of Maynard to create a Downtown Overlay District in the Town to overlay approximately 53 acres of land centered on the Maynard Downtown as described below and as depicted on the map titled "Maynard Downtown Overlay District" dated April 21st, 2007:

Notes:

1. All lots referenced below in the overlay district description refer to lots shown on Town of Maynard official Assessor's Maps 9, 14 and 15 as of January 1, 2005.
2. The term "frontage" as used below in the overlay district description refers to any frontage on a way, not necessarily the lot's legal frontage.
3. The "TOWN PARKING LOT" as referenced below in the overlay district description refers to the town-owned paved parking area located between the crossing of the Assabet River and the southerly terminus of Maple Street, and located immediately west of Nason Street.
4. The "RAIL TRAIL" as referenced below in the overlay district description refers to Lots 292 and 335A.

All lots with frontage on RIVERBANK ROAD, except Lot 123 (Includes lots 113, 114, 115, 116, 117, 118, 119, 120, 121, 122);

All lots with frontage on MAIN STREET from the intersection of RIVERBANK ROAD to the intersection of RAILROAD STREET, except lot 201 (Includes lots 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 130, 130C, 287);

All lots with frontage on RAILROAD STREET from the intersection of MAIN STREET to the intersection of FLORIDA ROAD (Includes lots 96, 97, 98, 99, 100, 101);

All lots with frontage on FLORIDA COURT and to include Lot 93A (Includes lots 93, 93A, 94, 95);

¹⁵⁰ Article 13: S.T.M., October 16th, 2006

¹⁵¹ Article 8: S.T.M., May 22nd, 2007

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All lots within an area bounded by MAIN STREET, FLORIDA ROAD, and RAILROAD STREET; (Includes lots 138, 139, 140, 141);

All lots within an area bounded by MAIN STREET, NASON STREET, SUMMER STREET, the TOWN PARKING LOT and FLORIDA ROAD (Includes lots 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154A, 154);

All lots within an area bounded by MAIN STREET, WALNUT STREET, HILLSIDE STREET, PARKER STREET (RTE. 27), WALTHAM STREET (RTE. 27 & 62) and MAIN STREET, including all lots fronting on RIVER STREET (Includes lots 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 183A, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 281A, 290, 380);

All lots with frontage on PARKER STREET (RTE. 27) from the intersection of EAST STREET to WALTHAM STREET (RTE. 27 & 62); also Lot 310 on EAST STREET and Lot 317 on WALTHAM STREET (Includes lots 88, 90, 309, 310, 314, 315, 316, 317);

Two lots with frontage on the east side of POWDER MILL ROAD between the intersection of WALTHAM STREET (RTE. 27 & 62) and the intersection of DOUGLAS AVENUE, and the two lots immediately to the east of each of these lots (Includes lots 320, 322, 330, 331);

Four lots with frontage on the west side of POWDER MILL ROAD between the intersection of WALTHAM STREET (RTE. 27 & 62) and the intersection of DOUGLAS AVENUE, including the lot directly across the street from DOUGLAS AVENUE (Includes lots 92, 93, 94, 381);

All lots with frontage on ACTON and WALTHAM STREETS from the intersection of POWDERMILL ROAD and WALTHAM STREET to the intersection of GLENDALE STREET and ACTON STREET, including all lots with frontage on ACTON COURT, Lot 39 with frontage on Pleasant Street, and Lot 52 with frontage on Deane Street (Includes lots 12, 13, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 52, 53, 54, 89, 91);

All lots within an area bounded by SUMMER STREET, ACTON STREET and GLENDALE STREET (Includes lots 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 282, 283);

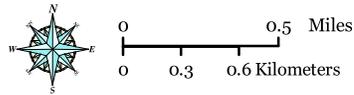
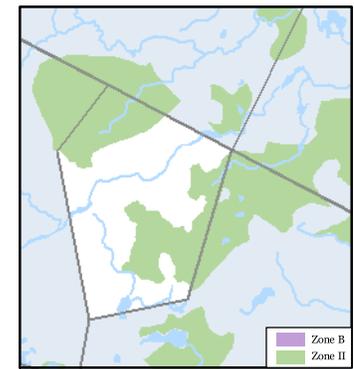
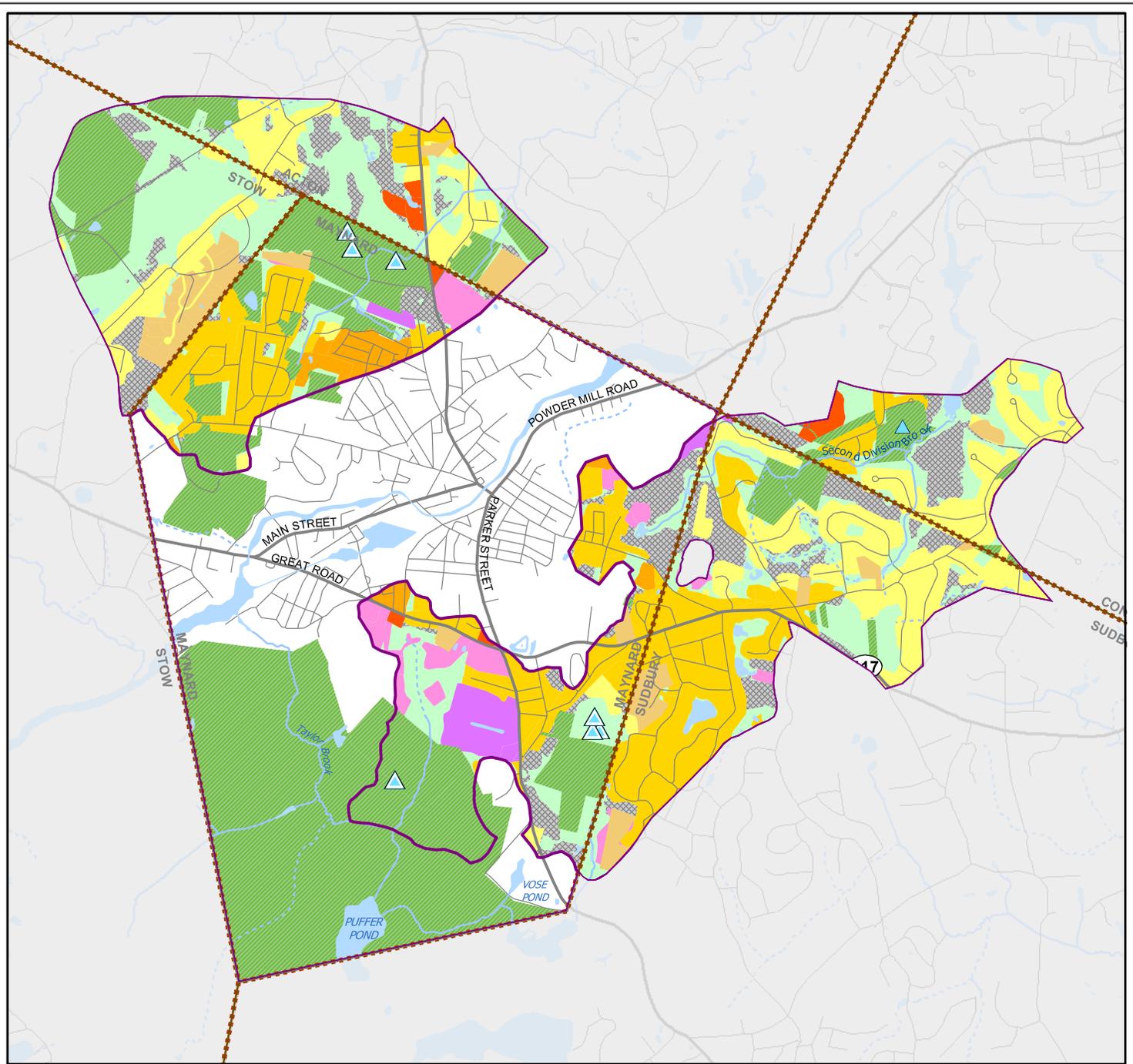
All lots within an area bounded by SUMMER STREET, GLENDALE STREET, ACTON STREET and NASON STREET (Includes lots 56, 56A, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 281, 289);

All lots within an area bounded by NASON STREET, ACTON STREET, the RAIL TRAIL parcel and SUMMER STREET (Includes lots 227, 227A, 228, 229, 230, 231, 232, 233, 284, 285, 292A, 336, 337, 338, 339);

All lots within an area bounded by MAIN STREET, NASON STREET, and SUMMER STREET (Includes lots, 74, 75, 76, 77, 155, 156, 157, 159, 160, 161, 162, 163, 164, 165, 166, 168, 169, 170, 171, 172, 173);

All lots fronting on the westerly side of the TOWN PARKING LOT from the crossing of the Assabet River to the intersection with Summer Street (Includes lots 74, 75, 91, 92);

APPENDIX C – Water Supply Protection District



- Water Supply Protection Area (Zone II or Zone B)
- Developable Land
- Undevelopable Land
Criteria that may constrain land from development include slope, wetlands, River Protection Act buffers, 100-year flood zones, certain zoning overlays and rights-of-way, and restrictions outlined in an existing development plan.
- Protected Open Space within or contiguous with Zone IIs or Zone Bs
- Municipal Boundary
- Water Features**
 - River or Stream
 - Intermittent Stream
 - Lake or Pond
- Current Land Use in developed areas**
 - Multi-Family and High Density Residential
 - Medium Density Residential
 - Low Density Residential
 - Commercial
 - Industrial/Transportation/Mining
 - Urban open/Recreational
 - Subdivisions (from EOEAs Buildout Analysis)
 - Land Use Data Not Available
- Public Water Supplies**

<i>Maynard Supplies</i>	<i>Other Towns</i>
Ground Water	Surface Water
Surface Water	Proposed Well

Map 1
Current Land Uses
 in
Existing Public Water Supply Protection Areas
Maynard



This project is funded by the
 Executive Office of Environmental Affairs (EOEA).
 Maps prepared by Earth Tech, Concord Massachusetts.



TOWN OF MAYNARD
PLANNING BOARD

Town Building
 MAYNARD, MASSACHUSETTS 01754

978-897-1029

APPENDIX D
SCHEDULE OF FEES

Pursuant to Section A-V.K of the Maynard Protective Zoning Bylaws, the Planning Board established the following Schedule of Fees at its regularly scheduled meeting of November 25th, 2008.

Site Plan Review

Site Plan Review	Housing:	\$500 + \$50 / unit
	Non-Housing:	\$500 + \$0.05/sq. ft.
Site Plan Review Modification	Housing:	\$250 + \$50 / new unit
	Non-Housing:	\$250 + \$0.03/sq. ft. of new area
Minimum advance for Peer Consultant Review (final amount identified at time of application based on scope of project, should be issued as a separate check)		\$1000
Request for Planning Board review of Site Plan Applicability		\$50

Note: For mixed-used development, either in single or multiple structures, fees shall be the sum of the fees of the individual uses

Subdivisions

Approval not Required	\$100 + \$150 / lot created
Preliminary Subdivision Plan	\$750 + \$750 / lot created
Definition Subdivision Plan (w/ Preliminary)	\$1000 + \$200 / lot created
Definition Subdivision Plan (w/o preliminary)	\$2000 + \$300 / lot created
Amend / Modify a Definitive Plan	\$500
Minimum advance for Peer Consultant Review (final amount identified at time of application based on scope of project, should be issued as a separate check))	\$2500

Special Permit

Sign Special Permit	\$150
Cell Tower Special Permit	\$2500
Cell Tower Special Permit Renewal	\$2500

NOTE: All fees are to be paid by Certified, Cashiers or Bank Check Payable to the Town of Maynard.

APPENDIX E



Site Plan Review /
Special Permit
Application, Forms, and Procedures

The Town
of
Maynard, Massachusetts
01754



TOWN OF MAYNARD

PLANNING BOARD

Town Building

MAYNARD, MASSACHUSETTS 01754

978-897-1029

SITE PLAN REVIEW PROCEDURE

The following procedures for Site Plan Review are set forth pursuant to Section 14—Site Plan Approval and Appendix E—Site Plan Regulations of the Maynard Protective Zoning By-Laws.

1. Applicant applies to the Conservation Commission as appropriate under paragraph 3 Section 14 of the Maynard Protective Zoning By-Laws.
2. Applicant shall provide 15 copies of all Site Plan materials to the Planning Board office to be subsequently distributed by the Planning Board as follows:
 - Six (6) copies to the Planning Board
 - Two (2) copies to the Conservation Commission
 - One (1) copy to the department of Public Works
 - One (1) copy to the department of Board of Health
 - One (1) copy to the department of Chief of the Fire Department
 - One (1) copy to the department of Board of Selectmen
 - One (1) copy to the department of Building Commissioner
 - One (1) copy to the department of Chief of Police Department
 - One (1) copy to the department of Town Clerk
3. Applicant contacts the Planning Board Administrative Assistant during office hours to schedule a public hearing on the Site Plan. At that time, the applicant shall provide the following documents (without said documents, the application shall be considered incomplete):
 - Completed application for Site Plan Review
 - Public Notice Sample
 - Record of Site Plan distribution
 - A certified list of Abutters and/or Owners of land directly opposite on any public street or way and abutters to the abutters within 300 feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such Owner is located in another City of Town. Said list may be acquired at the Assessor's Office(s) of all applicable Cities and Towns.
 - Other documents as appropriate (See Section Section 14 and Appendix E—Site Plan Regulations)

Follow submittal of a complete Site Plan Review Application, the following steps will be taken:

1. Conservation Commission reviews plan relative to Wetland Protection Act - Chapter 131 - Section 40 and submits recommendations to Planning Board within thirty-five (35) days of receipt of plan.
2. All other municipal boards to which Site Plan is sent also review plan and submit recommendations within thirty-five (35) days of receipt of plan. Failure of any Board to comment within thirty-five (35) days shall be deemed to indicate approval of such plan.
3. Planning Board takes final action within ninety (90) days of the close of the Public Hearing. Period for final action can be extended for an additional sixty (60) day period by mutual consent of the Planning Board and applicant.
4. Municipal boards and departments are notified of revisions to Site Plan as determined by Planning Board in each such case.
5. Planning Board makes findings required by Zoning By-Law and approves, denies or approves with conditions.
6. Site Plan and written documents supporting Site Plan are endorsed as approved by the Planning Board.



TOWN OF MAYNARD
PLANNING BOARD

Town Building
MAYNARD, MASSACHUSETTS 01754

978-897-1029

APPLICATION FOR SITE PLAN APPROVAL

This is an application for Site Plan Approval as provided for in Section 14 of the Protective Zoning By-Laws of the Town of Maynard, as amended.

Name of Applicant: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone Number: _____ Fax: _____

Name of Land Owner: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone Number: _____ Fax: _____

Name of Engineer / Architect: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone Number: _____ Fax: _____

Location of Site: _____

Assessors' Plan(s): Lot No(s): _____

Zoning District in which Site is Located: _____

State Present use of site: _____

Give size of existing buildings, if applicable: _____

Give extent of proposed applications, if applicable: _____

Land recorded by deed in Middlesex County Registry of Deeds:

Book : _____ Page: _____

Signature of Applicant

Signature of Owner



978-897-1029

TOWN OF MAYNARD
PLANNING BOARD

Town Building
MAYNARD, MASSACHUSETTS 01754

SAMPLE LEGAL NOTICE FORM

Property Address

**LEGAL NOTICE
TOWN OF MAYNARD
MASSACHUSETTS
PLANNING BOARD**

A public hearing will be held on *INSERT DATE* at *INSERT TIME* at the Maynard Town Building room *INSERT ROOM NUMBER* to hear all persons in a Site Plan Approval request by *INSERT APPLICANT'S NAME* to *INSERT DESCRIPTION OF PROJECT* on *INSERT SITE ADDRESS* Assessors Map Sheet *INSERT SHEET NUMBER* , Parcel *INSERT PARCEL NUMBER*. This is subject to Section 14 of The Protective Zoning By-Laws of the Town of Maynard, Massachusetts. A copy of the Site Plan is on file with the Town Clerk for inspection.



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LEGAL NOTICE MAILING LIST

The Planning Board shall be responsible for the following:

- Arranging for publication of the Notice of Public Hearing in a newspaper in general circulation in the Town of Maynard (Beacon Villager or Middlesex News) during two successive weeks, with the first publication to be **not less than 14 days** before the date of Public Hearing.
- Posting of the Notice of Public Hearing in the Town Building 14 days before the date of the Public Hearing (by submitting two copies to the Town Clerk, one for her file and one for posting on the bulletin board outside her office).
- Distribution of the legal notice to the following entities:

Abutters and/or Owners of land directly opposite on any public street or way and abutters to the abutters within 300 feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such Owner is located in another City of Town. Said list(s) shall be obtained at all applicable Assessor's office by the applicant and should accompany the application.

Metropolitan Area Planning Council
60 Temple Place
Boston, MA 02114

Massachusetts Housing and Community Development
100 Congress Street
10th Floor
Boston, MA 02114

Stow Planning Board
380 Great Road
P.O. Box 261
Stow, Ma 01775

Acton Planning Board
472 Main Street
Acton, MA 01720

Concord Planning Board
141 Keys Road
Concord, MA 01742

Sudbury Planning Board
Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776



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RECORD OF SITE PLAN DISTRIBUTION

Received from: _____
Applicant

Copies of a Site Plan entitled: _____

Name of Owner/Applicant: _____

Plan prepared by: _____

Dated: _____

Department	Received By	Date
Planning Board	_____	_____
Department of Public Works	_____	_____
Board of Health	_____	_____
Chief of the Fire Department	_____	_____
Conservation Commission (2 copies)	_____	_____
Board of Selectmen	_____	_____
Town Clerk	_____	_____
Building Commissioner	_____	_____
Chief of the Police Department	_____	_____



TOWN OF MAYNARD

**APPLICATION TO THE PLANNING BOARD FOR A
SIGN SPECIAL PERMIT**

Application is hereby made to the Planning Board for a public hearing and a special permit under *Section 10: Signs* of the Protective Zoning By-Laws of the Town of Maynard, and the provisions of Sections 12.4 through 12.7, inclusive, governing special permits and related matters.

Please type or print the following information:

1. Name of Applicant _____
Address _____
Telephone Number _____
2. Name of Site Owner (If not the applicant) _____
Address _____
Telephone Number _____
Address of Subject Site _____
Assessor's Map/Parcel _____
4. Site Information: Area _____ Zoning District _____
5. Date, Plan Reference and subject to any Site Plans filed for the subject site with in the last 5 years: _____
6. Description of type of sign desired: _____

7. Titles of supporting documents and drawings submitted with this application: _____

Note: Attachments should clearly show the dimensions, area, method of support, lighting (if any), proposed location on the site, and content of the sign. Applicant should also provide calculations as needed in support of the application, and specify why this special permit it required.

The undersigned hereby certify that the information shown on this application and on the plans and supporting information submitted herewith is correct, and that all applicable provisions of Statutes, Regulations and Bylaws will be complied with.

The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section I -A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

Signature of Petitioner _____ Date _____

OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the application presented above.

Signature of Owner _____ Date _____



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TOWN OF MAYNARD
PLANNING BOARD

Town Building
MAYNARD, MASSACHUSETTS 01754

SITE PLAN REVIEW CHECKLIST AND RELEASE

Applicant: _____ Site: _____

1. Newspaper issues with publication received by Planning Board.
2. Receipt sheet for distribution of plan copies pursuant to Section 14 of the Zoning by-law received by the Planning Board.
3. Fee Paid
4. Notification by Fire Chief pursuant to I.C. of standard Site Plan Approval document received by Planning Board.
5. All expenses paid.
6. Evidence of recording of the Site Plan Approval received by the Planning Board.
7. "Clean" Lien Certificate from the Treasurer/Collector.

TO THE BUILDING INSPECTOR

The Maynard Planning Board hereby notifies you that by a vote of the Board on _____, the subject site has been released for building purposes.

Maynard Planning Board

By: _____, Chair Date _____

TO THE BUILDING INSPECTOR

The Maynard Planning Board hereby notifies you that by a vote of the Board on _____, it released the subject site for occupancy purposes subject to your review of satisfactory compliance with the Plan and the Site Plan Approval pursuant to the Site Plan Approval Section II.A. and sections III.A. and III.C.

Maynard Planning Board

By: _____, Chair Date _____

8. As built plans with written approval of same by the Department of Public Works received by the Planning Board.